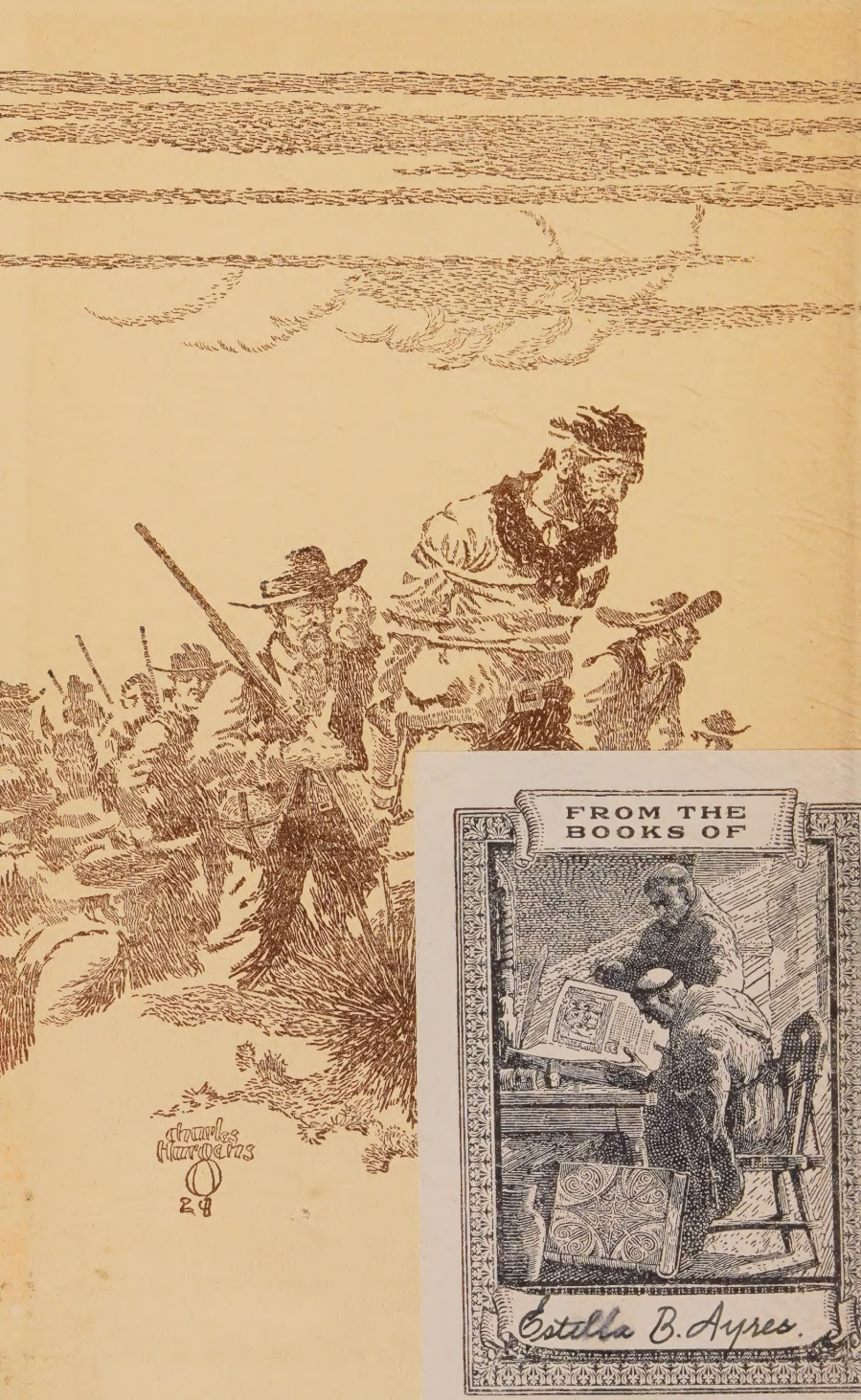
VIGILANTES

HOFFMAN BIRNEY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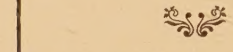

KING OF THE MESA

THE MASKED RIDER

STEELDUST; THE STORY OF A HORSE

THE CAÑON OF LOST WATERS

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ON THIS SPOT MAY 26,1863,GOLD
WAS DISCOVERED BY
WILLIAM H. FAIRWEATHER
HENRY EDGAR THOMAS W.COVER
MICHAEL SWEENEY HARRY RODGERS
BARNEY HUGHES
THE GULCH WAS NAMED ALDER
THE MINING DISTRICT FAIRWEATHER
MAY 26,1864,MONTANA TERRITORY
WAS CREATED BY ACT OF CONGRESS
APPROVED BY ABRAHAM LINCOLN
ALDER GULCH HAS PRODUCED OVER ONE
HUNDRED MILLION DOLLARS IN GOLD
SIZE AND PRODUCTION CONSIDERED IT RANKS
AS THE WORLD'S RICHEST PLACER GULCH
DEDICATED TO THE PIONEERS OF MONTANA, IN HONOR OF
ANDREW J.DAVIS,PIONEER,BY HIS NEPHEW
ANDREW J.DAVIS,OF BUTTE,MONTANA

MONUMENT MARKING THE DISCOVERY OF GOLD IN ALDER GULCH

VIGILANTES

by

HOFFMAN BIRNEY

A chronicle of the rise and fall
of the Plummer gang of outlaws
in and about Virginia City
Montana in the early '60's
=Drawings by Charles Hargens

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Company ~ Philadelphia

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MADE IN THE UNITED STATES OF AMERICA

To

FRANK WILLARD SHOEMAKER

WHOSE IDEA IT WAS

and

LLEWELLYN L. CALLAWAY

CHIEF JUSTICE, SUPREME COURT OF MONTANA

WHO MADE ITS ACCURACY POSSIBLE.

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Foreword

THIS volume makes no pretense of being a history of Montana. There will be, I know, just criticism of many statements made herein. Names are undoubtedly omitted that should be included and very possibly an undue prominence is given to individuals who played but minor rôles during the stirring decade of the 'sixties.

It has become almost trite to remark that "history is a lie agreed upon." No work can be called even semi-historical when it covers a subject upon which no two authorities concur. Henry Plummer, the most notoriously distinctive figure of the Vigilante days, has been described to me as blond, as brunette almost to swarthiness, and as of ruddy complexion. His eyes have been variously china-blue, dark blue, hazel, green, brown, and black. He has been bearded, mustached, and clean-shaven, and his stature has ranged from five feet six inches to six feet.

So with other characters and so with dates. Though the original document of the oath of the Vigilantes, now in the State Capitol at Helena, Montana, shows clearly the date of December 23, 1863, there are those who assert that the organization was completed and its membership decided upon prior to the arrest and execution of George Ives. One suspects Dimsdale, who wrote of the Vigilantes when all of the membership of that group were yet

alive, of being deliberately inaccurate as to dates. Certainly he refrains sedulously from mentioning more than one or two names throughout his narrative.

The pioneers were notoriously careless in the matter of written records. The Vigilantes, by the very nature of the work they were doing, made no report of their activities. The investigator who arrives on the scene sixty-five years after the event is compelled to take what he can find, to balance one source of information against another, and to hope that the medium he strikes is a happy one. Some of the bricks may be made without straw, but the structure in general is sound.

Throughout this narrative various towns have been designated as being within the states where they now lie. Only confusion could result from placing Carson City in Utah (as it was at the time of the discovery of the Comstock Lode), and other towns as located in Idaho, Washington, or Dakota when one can associate them only with Montana. Idaho Territory was organized March 3, 1863. Prior to that time all of what is now Montana lying west of the Rockies had been a part of Washington Territory; all east of the mountains had been Dakota. The Territory of Montana was created May 26, 1864. Such rapid changes in territorial boundaries and designations proved most bewildering to the early settlers and a similar confusion would be the reader's if Helena, for instance, were alluded to as a city of Dakota!

One looks back with keen delight on the weeks spent in Montana, state of glorious mountains and rivers, of vistas grander than those of the High Sierras, of splendid

distances and miserable roads. What a thrill there was in panning gravel that had actually been turned over by Bill Fairweather and "Bummer Dan" McFadden, and how one treasures the capsule containing the few grains of virgin gold that were the product of the amateur effort at placer mining! The fact that one is convinced that a kindly and generous host "salted" the pan most liberally detracts in no degree from the thrill that attended the discovery of "color." There is the memory of the great fire of July 16, 1928, in Helena, when for a few hours it was a gambling proposition as to whether or not the major portion of the town would go; and there is the far more pleasant recollection of many friendly and hospitable folk who are "mine own people."

It were perhaps invidious to select four names from many but the writer wishes to express his deep appreciation to Hon. Lew L. Callaway, Chief Justice of the Supreme Court of the State of Montana, for so generously sharing his wealth of information on the Vigilante organization; to David Hilger, Esqre., the State Historian, and to his assistants, Mrs. Anne McDonnell and Miss Margaret Jacobs, for countless courtesies extended in the Historical Library.

HOFFMAN BIRNEY

"CASA DESCANSO"
TUCSON, ARIZONA
October 15, 1928

VIGILANTES

ico, until Sutter's gold brought in the Forty-niners. Gold opened the Black Hills, the Sierras, Montana, Idaho, Nevada, Colorado, Arizona, and Alaska. It put upon the pages of our geographies names whose history holds more of true romance than the most fanciful fiction ever penned. Tombstone. Goldfield. The Comstock Lode. Sutter's Fort. Hangtown. Virginia City. Leadville. Bannack. Creede. Rhyolite. Deadwood. Last Chance. Bachelor. Paradise. Dawson and Nome.

GOLD!

None dreamed of its existence in the Northwest Territory when Merriwether Lewis and George Rogers Clark fought and pioneered their way from East to West, across the plains, up the Missouri to the Gates of the Mountains, and over the Continental Divide to the headwaters of the mighty Columbia. Over the trail they blazed came the Restless Ones, hunters, trappers, and prospectors. Some came from the East, California-bound and swinging from their course in pursuit of new rainbows, lured on by tales of unbelievable riches that lay in hidden valleys beyond the avalanche-guarded peaks. Others, failing to discover their fortunes in the Eldorado that was California, struck eastward from the rocky shores of the Pacific, pierced the High Sierras, and quested back and forth across the lands that the maps showed only as a blank space marked "Great American Desert."

Gold and the men who found it. The lure, though none of the seekers could have analyzed it, was entirely in the search. Possession meant nothing, and of the original discoverers of the great mining districts of the West one

MAIN STREET IN A MONTANA MINING TOWN

can count on the fingers of one hand the men who died rich.

Allen and Hosea Grosh, in 1856, turned up the billion-dollar ledges afterwards christened the Comstock Lode. A half-crazed ne'er-do-well gave his name to their find. Hosea died of blood-poisoning two weeks after they started development work; Allen of starvation and exposure in the Sierra Nevadas before the year was out.

Ed Schieffelin, prospecting with pick in one hand and rifle in the other among the Apache-infested hills of the San Pedro valley, found silver ore that ran $10,000 to the ton less than six feet below the surface of the ground. He called his strike the "Tombstone" and the town that sprang up was given the same grim name. He turned his back on the fortune that lay in the brown hills of Arizona and died in the Oregon mountains, seeking for gold.

John White and Bill Fairweather were the discoverers of the fabulously rich placer bars on Grasshopper Creek and in Alder Gulch, Montana. The first died two years later, a road-agent's bullet through his brain; the second was buried by friends after tossing a fortune across the saloon bars or into the eager hands of the dance-hall girls.

Seekers and finders, dreamers whose dreams came true, followers of the Gold Wild Goose, clutching for the vision and rejecting the realization, ever reaching out for the brighter pot of gold at the foot of newer, more brilliant, rainbows. Their trail is marked by torn and scarred hillsides, by diverted streams, by overturned gravel bars, by lonely graves in cañon and desert, and by cities dead and

dying. The brick and concrete houses of Rhyolite stand empty under the rainless Nevada skies; Tombstone dreams of future greatness and prosperity as a health resort and talks of the days when the Tough Nut, the Contention, and the Lucky Cuss worked twenty-four hours a day and the Earps, Clantons, and McLowerys shot out their feud at the gateway of the O. K. Corral; Virginia City, Nevada, the boom-town of the Comstock Lode, is falling brick by brick and board by rotting board into the cañon above Sugarloaf Mountain; and that other Virginia City, once the capital of Montana and with the darkest, bloodiest history of any town this country has ever known, drowses through pleasant summers and bitter winters and watches the sun drop behind the Ruby Mountains across the Stinking Water.

The men are dead and the towns are dying. Like old crones they sit in the sun, peering across the years with rheumy eyes and mumbling through toothless gums of the days when lusty men fought for their favors. The years have not dealt kindly with them. Theirs is all the repulsiveness of age and none of its dignity. Disgust overcomes pity in contemplation of the wrinkles and ulcers that are the penalty imposed upon youth that dares to survive its golden, reckless, spendthrift years. Unwashed DuBarrys. Rheumatic Aspasias. Leathery-skinned Recámiers. Cleopatras who waited for hardening of the arteries to bring to a close their dreams of Antony and of Caesar.

The towns are dying, the men are dead — but their breed survives and the allure of the search is as strong

today as when Bill Fairweather set the first milestone on the Vigilante Trail. Not yet has machinery succeeded in supplanting the Seeker. Great hydraulic dredges may work the sands of the Sacramento Valley, a clanking steam-shovel root its way through " Bummer Dan " McFadden's bar in Alder Gulch, but Tonopah and Goldfield are strikes of this generation. Thousands raced madly to Weepah in 1926, and through the dry ranges of Arizona, Utah, and Nevada there still roams the prospector, his pick in his hand, a bottle of acid sticking from his pocket, and a pan lashed to the pack on one of his plodding burros.

In his eyes is his dream. Tomorrow, the day after, a week, may see another Tombstone or Virginia. Perhaps it will be next year or the year following. There is no time in the desert or when a man of the Restless Breed seeks the rainbow's end.

CHAPTER II

Lights and Shadows

THE time was January 1, 1862, the place a lonely ranch at the mouth of Little Blackfoot Creek in the Deer Lodge Valley, and Johnny Grant was throwing a party! It was a regular party, too, a ball, the music to be furnished by two fiddles, instruments which in that region had not yet become acquainted with the more cultured title of violin. Johnny's Indian wife saw to it that the guests were made welcome at the house while her husband took charge of their horses, turning the animals into the corrals and feeding them. With Mrs. Grant was her mother, old squaw Giom'man, and a host of Johnny's other swarthy in-laws, determined that all traditions of Indian hospitality should be upheld and that no one should hunger or thirst.

The ranch on Little Blackfoot was famous throughout the region for we learn that a sign, painted in tar on a piece of packing box, stood for years at the point where Rattlesnake Creek empties into the Beaverhead River.

Tu Jonni grants
One hunred & twenti myle

And on the reverse side of the notice travelers could read the legend:

Tu grass Hop Per digins
30 myle
Kepe the trale nex the bluffe

The identity of the man who placed those early highway markers is unknown. It might well have been old Michaud LeClair to whom certainly belongs the credit of instituting the earliest traffic control station in the Northwest Territory. On a bridge he built at the crossing of Smith's Fork of Bear River he placed this warning:

NOTIS

No vehacle draWn by moaR
than one animile is alloud to
cros this BRidg in oPposite
direxions at the sam time

None of those who attended Johnny Grant's party, however, required either directions or introductions.

Everybody knew him and he knew every settler between the Missouri River and the Snake. There were no invitations. Such social complexities had not yet been introduced. If you could get there you were welcome — and every ranch and isolated mining prospect for miles around was deserted for that New Year's ball.

Bob Dempsey and his wife came from their ranch on Dempsey Creek south of Deer Lodge; James and Granville Stuart were there from Gold Creek, eight miles away, hobnobbing with Henry Thomas — "Gold Tom" — who, singlehanded, was patiently sinking a deep prospect hole in the sands of Benetsee Creek where ten years earlier Francois Finlay — "Benetsee" — had made the first discovery of gold in the northwest. Ambrose LeGris came over with his pretty Assiniboine wife. Everybody came — men, women, children, and babies in arms. Charley Allen was among those present, keeping a wary eye on the stalwart Mrs. Dempsey and grinning shamefacedly when his friends jocularly reminded him of his encounter with that lady a few months before.

Charley had been fairly full of tanglefoot and while in that condition had passed the Dempsey woodpile and taken it upon himself to instruct Madame Dempsey as to the proper manner of cutting and stacking the day's supply of kindling. His suggestions were not appreciated. The lady was irritated and as evidence of her vexation took what pugilism would identify as a "round-house swing" at her preceptor. Being somewhat determined by nature she neglected to release her grasp on the axe that was in her hand at the moment. The fact that

Charley was present at the party proved that while she may have had speed she lacked control. As the axe whistled past his head Charley made a convulsive grab and got a good grip on the long black hair which, Indian fashion, she wore in two braids falling over her shoulders and across her breast.

The battle that followed has gone down in frontier history as one of the first victories for feminine emancipation and self-assertion. Charley hung on grimly so long as he was able but the lady employed fists, fingernails, and a billet of kindling from the woodpile to such good advantage that Mr. Allen finally emerged from the conflict completely sobered, both eyes blackened, a tooth gone, and sufficient cuticle missing from his anatomy as to prompt his friends to inquire if he had come off second-best in an encounter with wildcat or grizzly bear.

Johnny's party was a get-together for the scattered settlers from the various creeks of the Deer Lodge Valley, from Cottonwood, and from Hell Gate, six miles below where Missoula now stands. Only rarely did they all meet at one time and every dusky spouse was determined to eclipse, so far as finery was concerned, her equally brunette sisters.

Petticoats — and each woman wore five or six in those days of savagery — were three or four yards around and of the most brilliant calicoes obtainable. Dresses, ruffled from ankle to waist, were of scarlet, bright blue, peacock green, and royal purple. Beneath the deep hems of the skirts ankles were concealed with new leggings of crimson blanket-cloth purchased from the Hudson's Bay Com-

pany's post at old Fort Connah and moccasins of soft doeskin decorated with white, blue, yellow, and red beads.

Here and there were women dressed entirely in the leathern garments of their childhood — skirt and blouse of deeply fringed doeskin as soft as silk and of the color of rich cream, ornamented with beads, with the tusks of the bull elk, and with dyed quills of the porcupine arranged in barbaric designs; garments that represented long months of patient labor and that are worth today far more than their weight in coined gold.

Shell necklaces were about brown throats, silver coins and medals gleamed from ribbons twined in black braids, and every cheek was bright with the vermillion rouge dear to the Indian heart.

The men, too, wore their best. New flannel shirts — navy blue was the favorite color — neckties, and buckskin suits scarcely less elaborately decorated than the dresses of the women. In strict conformity with the rigid ethics of frontier etiquette all pistols, rifles, and revolvers were left with the saddles in Johnny Grant's barn.

Picture — if you can — the ranch-house on that New Year's night! Great fires blazed on the hearths in each room, fires kindled partially for light but principally for the heat they threw out for the thermometer stood at forty degrees below zero and a blizzard raging down from the ten-thousand-foot peaks of the Rockies shrieked and whistled about the low eaves of the sturdy structure. The red firelight was reflected from the log walls and ceiling and the floor of puncheons — sections of logs

squared with axe and adze and sunk into the earth, their tops as nearly on a level as the skill of the cabin builder or the varying conditions of the frozen ground admitted. Beads and silver gleamed no less brightly than the eyes of the dancers and no Tsigany orchestra ever threw themselves more enthusiastically into their task than did the two fiddle-players who occupied an unsteady perch on a plank extended across two up-ended barrels at one end of the room.

Naturally, the men present far outnumbered the women but the resourcefulness of the pioneer easily overcame such minor biologic obstacles to perfect happiness. Certain men were branded by handerchiefs tied about their right arms and, thus marked, took the place of women in making up the sets. And the courtesy with which these fictitious women were treated was in every way as gallant, even if more extravagantly punctilious, as that accorded their genuine asociates on the ladies' side.

"Madam, th' pleasure of y'er company to th' banquit!" a brawny miner would exclaim, thrusting a blue-flannelled arm in the general direction of his partner's ribs. And the "lady" would endeavor to assume a properly mincing feminine gait as they proceeded together to the kitchen where platters of antelope, elk, and deer meat were flanked by huge stacks of sour-dough biscuits.

Waltzes and two-steps were not popular at Johnny Grant's ball. For one thing, they were too selfish. Cutting-in was unknown and no man was entitled to such lengthy uninterrupted possession of a woman. Further-

more, the puncheon floors were scarcely suitable for the gliding, graceful dances. Now and then a couple essayed a schottische but the dance most in demand was the old-fashioned quadrille.

The orchestra sawed away industriously, the fiddles squeaked and wailed, and there was no lack of strong-lunged volunteers to call the figures.

"Swing your partners, swing 'em round;
Swing that lady clear of th' ground!"

Or:

"Ladies change! Now balance all;
Gents to th' center, then back to th' wall!"

On the other side of the heavy log walls the blizzard raged with no hint of cessation. The snow drifted around the corners of the house and banked deep against the tiny, deep-set windows. But no storm that ever howled its way out of the mountains could dampen the enthusiasm of a western ball!

They danced the night away and at daybreak — a watery, discouraged dawn that struggled to make itself perceptible through the driving snow — Johnny Grant stuck his head through the doorway and made a hasty analysis of weather conditions.

"She's snowin' bull-yearlin's horns foremost!" he announced. "We'll be lucky if we find our way to th' corral to feed th' stock. There's no use anybody even thinkin' 'bout leavin'!"

There were no protests. Every man and woman there knew the power of the blizzard. Buffalo robes and

blankets were thrown on the floors of the several rooms of the ranch-house and the entire company stretched out, in their clothes, and slept until the early afternoon. Johnny's wife, with the other women to assist her, prepared a dinner and after the meal the dance was resumed and continued, except for a pause for supper, until another dawn.

With the second sun the snow ceased and the wind died away. The visitors bundled themselves into their heavy coats and furs and mounted their horses to break a path through the deep drifts to their lonely cabins. Tired? Of course; but supremely happy. Such pleasures were rare indeed and Johnny Grant's New Year's ball would afford conversation for many months to come among the scattered population of Deer Lodge Valley.

Those who were present at this party were among the earliest settlers of Montana. Their occupation of the region antedated by several years the discovery of gold on Grasshopper Creek and in Alder Gulch. It was at Hell Gate that the first law-suit ever held in the country was conducted early in 1862. Barney O'Keefe was the defendant in a suit instituted by one "Tin-cup Joe" who claimed that O'Keefe had injured one of his horses so seriously that the animal died. Barney, who was known from the Bitter Roots to Wind River as "the Baron," conducted his own defense.

"Those horses of Joe's," he told the court heatedly, "have been runnin' wild all over my place. Half a dozen times they've broke down th' fences I've put up around my hay-stacks. I need that hay for my own stock and I

told Joe so and gave him fair warning that he'd have to keep his critters where they belonged."

The plaintiff in the case was represented by counsel, one Frank Woody, who promptly rose to reply. Mr. Woody sketched, very lightly, the conditions under which they were all living, the unavoidable hardships of frontier existence, and the necessity of neighborly co-operation. In warming up to his peroration he dropped some philosophic observations on what constituted good citizenship in such an isolated community. The remarks were taken personally by the doughty "Baron." He leaped to his feet and shouted down the opposition.

"Who th' hell are you, anyway?" he demanded of the prosecutor. "What kind of a court is this here supposed to be?"

The Court, in the person of Henry Brooks, interposed an objection to the interruption and drew the fire upon himself.

"Shut your mouth and keep it shut, you old faker!" shouted the Irishman. "Who in hell told you you were a judge, Hank Brooks? What do you know about law? I know you! You're nothin' but a lousy squaw-man. You've got two squaws up at your place right now and the only business you know anything about is populating the country with a herd of half-breed kids! Why, you old ——"

At this point the Baron waxed personal and Bob Pelkey, who had been appointed constable, endeavored to suppress him.

"You ain't a damn bit better!" roared O'Keefe, and swung his fist to Bob's nose.

In an instant the improvised courtroom assumed a resemblance to the last meeting of Bret Harte's immortal natural history society upon the Stanislaus. Everybody took sides and those few who had no particular sympathies jumped in on general principles. When the tumult and the shouting died the Baron, somewhat dishevelled, still occupied the center of the stage announcing loudly that "no damn Frenchman's horses can tear down my stacks without my doin' somethin' about it!"

Finally the court re-convened, the remaining evidence was submitted, and the case given to the jury. This body found a verdict in favor of the plaintiff and Baron Barney O'Keefe was ordered to pay Tin-cup Joe the sum of forty dollars. And, much to the astonishment of all who knew him, the fiery Irishman paid the judgment.

A second trial, more grave in its nature, was held on August 26, 1862, in the little town that had sprung up at American Fork, a settlement that by this time had become known as Gold Creek. Several weeks earlier three strangers had ridden into the valley from the south. They were mounted on good horses and were driving three others ahead of them, but had little in the way of camping outfit. Their names, they told the miners and ranchers, were William Arnett, B. F. Jermagin, and C. W. Spillman, and they spent a week looking over the town. Arnett was never abroad without a Navy revolver swinging conspicuously at his side and he allowed everyone to see clearly that he considered himself a bad-man. The other two followed his lead, but somewhat less assertively.

On August 25 the three set up in business as bankers — a monte bank — with a capital of two hundred dollars. James Stuart broke it, and them, in twenty minutes and the trio retired temporarily from the field of finance. Stuart left the saloon in which the game had been held and returned to his cabin where, later in the day, he was accosted by two heavily armed strangers.

"My name's Bull," one of the men announced, "and my partner here is Mr. Fox. We're from Elk City — down in the Clearwaters — and we're trailin' some fellows who run off a bunch of hosses from there."

He proceeded to describe Arnett and Spillman and on learning that they were present in the settlement asked if he and Fox could count upon the co-operation of the citizens of the town in making the arrest.

"Sure you can!" Stuart assured him.

Spillman was in Worden & Company's store when the men from Elk City, guided by Stuart, entered. Bull carried a double-barrelled shotgun across his arm and wore the usual Navy revolver at his side. He swung the twin muzzles of the ten-gauge on Spillman who promptly threw both hands high in the air. He was left in the store in charge of a volunteer guard and the man-hunters continued their search.

Arnett and Jermagin had recapitalized and had opened their monte game again in a saloon a short distance from the store. Jermagin sat in the lookout's chair and Arnett was dealing, an unsheathed revolver lying in his lap. He placed the deck on the table and picked up his cards just as Bull and Fox stepped through the wide-open door.

"Throw up your hands!"

Arnett, with a curse, snatched at the weapon in his lap but the man from Elk City was taking no chances. Before the gambler could raise his revolver Bull's shotgun roared. The twelve buckshot with which it was loaded struck Arnett full in the breast, toppling him over backward in his chair. He was dead when he struck the floor.

Fox, in the meantime, was devoting his attention to Jermagin but the lookout made no resistance. Deserting his chair he ran to a corner of the room where he stood, his hands above his head.

"Don't shoot, boys, don't shoot!" he cried. "I give up."

His wrists and ankles were tied and, with Spillman, he was placed under guard until morning.

"I reckon the first thing to do," Bull suggested to the men of the town the following day, "is to bury that Arnett."

A hole of sufficient depth was dug in the bottom land below the settlement and the party returned to the shed where the dead man lay. In Arnett's left hand were the cards he had just completed dealing when the man-hunters entered. His right was closed about the butt of his revolver. One of the party stooped and endeavored to remove the pasteboards from the stiffened fingers. Failing, he grasped the pistol by the muzzle and strove to release it from the dead man's hand.

"I'll be damned," he muttered after a moment's ineffectual effort. "I can't break his grip!"

A second miner offered a suggestion.

"What's th' use of tryin'?" he asked. "He went out with them cards and that gun in his hand. Let him take 'em with him that way to — wherever he's goin'."

No objections could be found to the proposal and Arnett was laid to rest with cards and .44 Navy still in his grasp.

Jermagin and Spillman were tried by a miners' court in the Worden store. The first named offered as defense the fact that he had not been associated with the other two in any theft of horses they might have committed. He had met them, he said, on the trail a day or two prior to their arrival on Gold Creek and they had given him a horse to ride. His statement was corroborated by Spillman and James Stuart testified that when the trio arrived in the settlement Jermagin had been riding an unsaddled horse, his own blankets being lashed about the animal's barrel. The jury deliberated.

"You were sure in bad company, Jermagin," the prisoner was told, "and you weren't in any hurry to cut loose from them, but we reckon you weren't guilty. Gold Creek can get along without you, however. You got six hours to get out of this part of the country!"

Tradition says that Jermagin beat the time limit set for his departure by approximately five hours and fifty-nine minutes.

The death of Arnett and his own capture appeared to have dazed the man Spillman. Despite the gravity of his situation he offered no defense and sat apathetically, gazing at the floor or out through the open doorway into the bright sunshine, while Bull and Fox told the court of

the theft of the horses in the Clearwater Mountains. His guilt was clear and there could be but one verdict.

"You've got half an hour," he was told. "If there's any last requests now's the time to make 'em."

The man roused somewhat from his lethargy.

"I'd like to write a letter," he said at last.

Paper was brought him and with a steady hand he penned a farewell to his father, blaming evil associations for his fate and expressing regret that he had brought disgrace upon his family. The message, incidentally, was never delivered. James Stuart, to whom it was given in charge, destroyed it, feeling that the greater mercy lay in keeping the father in ignorance of the manner of his son's death.

A butcher's scaffold was pressed into service as a gallows and Spillman was hanged shortly after two o'clock in the afternoon of August 26, the first man to be executed in what was later Montana Territory. He was buried beside Arnett in the river bottom.

CHAPTER III

"Tobacco Money"

SAUL, he went to look for donkeys, and by God he found a kingdom!" and Bill Fairweather told Harry Edgar to wash a pan of gravel he had taken from a creek bottom and see if he could find enough gold to buy tobacco when they reached town. Thus prosaic was the discovery of the placer beds of Alder Gulch — as rich as any free gold deposits the world has ever known. A hundred million dollars in yellow dust came from a ravine that is but fourteen miles from its head to where is empties into the broad valley of the Passamari.

"Pretty good for tobacco money!" wrote Edgar in describing the original find. Yes — a hundred million; very fair indeed!

There were six men in the party — Bill Fairweather, Harry Edgar, Barney Hughes, Thomas W. Cover, William Sweeney, and an old mountaineer and packer named

Henry Rodgers. They had started from Deer Lodge some weeks earlier, crossing the Tobacco Root Mountains within a few miles of the gulch they were to christen Alder, and had gone on east and south to the upper reaches of the Yellowstone River. They were captured by Indians but released after a long pow-wow and worked their way back to the westward. Here, there, and everywhere they pried and sampled and sank test holes to the bedrock that lay beneath the creeks they crossed. They found traces of "color" on Butcher Creek and Granite Creek in the Madison Valley, but no indications of gold in really paying quantities.

Discouraged, their clothes in rags, their food supply practically exhausted, their horses lame, they decided to abandon the trip and started back toward Bannack, more than a hundred miles away but the only town in the region. On May 26th, 1863, they once more crossed the Tobacco Roots and pitched their camp in a deep, narrow valley, its steep walls gashed by numerous short tributary ravines. Of their camp there and the events of that and following days Harry Edgar wrote in the diary he kept throughout the trip.

May 26, 1863: Off again. Horse pretty lame and Bill leading him out of the timber. Fine grassy hills and lots of quartz. Some antelope in sight. Down a long ridge to a creek and camped. Had dinner and Rodgers, Sweeney, Barney and Cover go up to the creek to prospect. It was Bill's and my turn to guard camp and look after the horses. We washed and doctored the horse's leg. Bill went across to a bar to see or look for a place to stake the horses. When he came back to camp he said, "There is a piece of rimrock sticking out of the bar over there. Get the tools and we will go and prospect it."

Bill got the pick and shovel and I the pan and we went over. Bill dug the dirt and filled the pan. "Now," he said, "go and wash that pan and see if you can get enough to buy some tobacco when we get to town." I had the pan more than half panned down and had seen some gold as I ran the sand around when Bill sang out, "I have found a scad." I returned for answer: "If you have one I have a hundred!" He then came down to where I was with his scad. It was a nice piece of gold. Well, I panned the pan of dirt and it was a good prospect; weighed it and had two dollars and forty cents; weighed Bill's scad and it weighed the same. Four dollars and eighty cents! Pretty good for tobacco money. We went and got another pan and Bill panned that and got more than I had; I got the third one and panned that — best of the three, good enough to sleep on.

We came to camp, dried and weighed our gold, and altogether there was twelve dollars and thirty cents. We saw the boys coming to camp and no tools with them. "Have you found anything?" we asked. "We have started a hole but didn't get to bedrock." They began to growl about the horses not being taken care of and to give Bill and me fits. When I pulled the pan around Sweeney got hold of it and the next minute sang out "Salted!"

I told Sweeney that if he would pipe Bill and me down and run us through a sluice-box he couldn't get a color and that the horses could go to the devil or the Indians. Well, we talked over the find and roasted venison until late, and sought the brush and spread our robes, and a more joyous lot of men never went more contentedly to bed than we.

May 27th: Up before the sun. Horses all right and soon the frying pan was on the fire. Sweeney was off with the pan and Barney telling him to "take it aisy." He panned his pan and beat both Bill and me. He had five dollars and thirty cents. "Well, you have got it good, by Jove!" were his greeting words. When we got filled up with elk Hughes and Cover went

up the gulch, Sweeney and Rodgers down, Bill and I to the old place. We panned turn about ten pans at a time all day long and it was good dirt too. "A grubstake is what we are after," was our watchword all day, and it was to be one hundred and fifty dollars in good dust. "God is good," as Rodgers said when we left the Indian camp. Sweeney and Rodgers found a good prospect and have eighteen dollars of the gold to show for it. . . .

May 28th: Staked the ground this morning; claims one hundred feet. Sweeney wanted a notice written for a water right and asked me to write it for him. I wrote it; then asked "What name shall we give the creek?" The boys said: "You name it." So I wrote "Alder." There was a large fringe of alder growing along the creek, looking nice and green.[1] We staked twelve claims for our friends and named the bars Cover, Fairweather, and Rodgers where the discoveries were made. We agreed to say nothing of the discovery when we got to Bannack and come back and prospect the gulch thoroughly and get the best. It was midday when we left. We came down the creek past the forks and to its mouth, made marks so we could find the same again, and on down the valley to a small creek and camped. . . .

May 30th: All well. Ate up the last of our meat for breakfast; will have supper at Bannack, ham and eggs. Away we go and have no cares. Crossed at the mouth of the Rattlesnake and up the Bannack trail, the last stage over the hill and down to the town, the raggedest lot that ever was seen, but happy. Friends on every side. Bob Dempsey grabbed our horses and cared for them. Frank Ruff got us to his cabin. Salt Lake eggs, ham, potatoes, and everything. Such a supper! One has to be on short commons and then he will know. Too tired and too glad!

[1] The dense alder growth that prompted Edgar to give the creek its name was destroyed by fire, undoubtedly incendiary in its origin, on July 13, 1863.

WILLIAM FAIRWEATHER, FIRST DISCOVERER OF GOLD IN ALDER GULCH

May 31st: Such excitement! Everyone with a long story about the new find. After I got my store clothes on I was sitting in a saloon talking with some friends. There were lots of men there who were strangers to me. They were telling that we brought in a horse-load of gold — and not one of the party had told that we even found color! Such is life in the Far West. We have been feasted and cared for like princes.

June 2nd: Left Bannack this forenoon and came over to Rattlesnake. A crowd awaits us; crowds follow after us; they camp right around us so we can't get away.

June 3rd: Move on down to Beaverhead River and the crowd gets more and more strong, on foot as well as on horseback.

June 4th: Down the river we go over two hundred strong. . . . We see it is no good to try to get away from the crowd so we will camp where we leave the river. Made a camp near the Beaverhead Rock. "Miners'" meeting called for this afternoon. I was chosen to state to the crowd what we had found. I did so and told them we had panned out one hundred and eighty-nine dollars altogether, showing them a sample of the gold . . . and said: "If we are allowed to have the claims as we have staked them we will go on, if not, we will go no further." Some talk and it was put to a vote. The vote was in our favor, only one vote against it. At the meeting there was a set of laws adopted to govern our claims. . . . They wanted to know where the gulch was, but as some were on foot and others on horseback they were told, "When we get to the creek you will be told and not till then." Everybody satisfied.

June 5th: . . . We are fearful that when the crowd gets in they will pull up our stakes. So some of the boys on the outside of the ring were told of the plan and Barney with ten or twelve will get out ahead to make them secure.

June 6th: . . . When we came to the creek and were going up I said to them: "This is the creek." Such a stampede! I never saw anything like it before. I was left alone with our packs and took my time for I know my claim is safe. . . . Got to camp at Discovery about 4 o'clock. The creek is all staked.

Such was the discovery and the stampede that followed. Tents, frame shacks, log cabins, and brush wickiups sprang up as though some gold-seeking Aladdin had rubbed his lamp. In a week or ten days there was a town clustered about the site of the original discovery — a town that some Southerner, sympathetic with the cause of the Confederacy in the Civil War that was then raging, christened Varina in honor of Varina Anne Banks Howell Davis, wife of Jefferson Davis. On some of the earliest documents the name is shown as Verona.

The town that was to be the first capital of Montana did not bear its original name for long. Dr. G. G. Bissell, an ardent Unionist, was elected Judge of the district at the miners' meeting held on June 7 and confirmed by a second meeting on the 12th. A day or two later he was called upon to sign a legal document headed with the name Varina. He calmly ran his pen through the objectionable title.

"Varina!" he snorted indignantly. "I'll be damned if I'll sign any papers in a town named for the wife of Jefferson Davis! We'll call it ——" he hesitated a moment and then wrote in another name —— "we'll call it Virginia — Virginia City! That's southern enough to suit any rebel!"

Virginia City it became by that decree and Virginia

City it remained — the change in title resulting in considerable confusion with Virginia City, Nevada, the boom-town of the Comstock Lode.

Other towns were laid out for ten miles along the gulch. Travelers bound for the diggings crossed the Passamari near Bob Dempsey's Cottonwood Ranch and swung eastward between the hills shouldering down from the Tobacco Roots. Scarcely out of the lowlands was the town of Junction. Then followed, one after the other, Adobetown, Nevada, Central, Virginia City, Pine Grove, Highland, and Summit. The whole gulch was one town strung along a single street; a settlement that can be described only by the words Parnesius used in telling of the miles-long city that followed the Roman wall across Britain.

"One long town," said the centurion of the Thirtieth Legion, "long like a snake and wicked like a snake. One roaring, rioting, cock-fighting, wolf-baiting, horseracing town. Yes, a snake basking beside a warm wall!"

Long like a snake and wicked like a snake! Such was Virginia and her sister hamlets. The cabins and tents and wickiups of the miners perched on the hillsides above their claims and followed the winding course of the creek. The single main street, also paralleling the stream, was one long succession of saloons, gambling houses, dancehalls, and similar resorts. "Honky-tonk," "hurdy-gurdy," or "hurdy-house" were the terms generally used to describe the dancehalls, and the "honky-tonk girls" appeared in the town almost as soon as the miners.

In a majority of the halls a dance cost a dollar, paid

almost invariably in dust weighed out on the gold-scales that were a part of every merchant's or saloonkeeper's equipment. There was little coin in circulation in the region and the Union "greenbacks," their value depreciated because of the war, were accepted only at a discount. With the final strains of the music the master-of-ceremonies raised his voice in a stentorian shout of "All promenade to the bar!" — and very rarely was a miner so lacking in gallantry as to decline to buy his partner a drink — straight whiskey, usually, at four bits a shot. He knew the chilly reception that would be his the next time he sallied forth on pleasure bent if he dodged the purchase of the libation that concluded every quadrille, polka, schottische, or waltz. The "girls" worked on a percentage basis, sharing in the proceeds of the dances and in the money paid for the drinks they persuaded their partners to buy.

The resorts never closed. Bar-rooms were open twenty-four hours a day, seven days a week, and the cold-eyed, deft-fingered gamblers worked in shifts at the monte, faro, and poker tables and the whirling roulette wheels. Play was high, furious, and continuous. A hundred dollar bet was merely small change; frequently a thousand or more — the chips or "markers" bought by each player being backed by his fat sack of gold-dust — would be laid as a single wager in monte or on the turn of a card from the faro-box. Out of the sands and gravel of the creek came the gold in constantly increasing and apparently inexhaustible quantities, and the same glittering stream poured across the bars and the gaming-

tables and into the pockets of the girls of the honky-tonks.

Twelve thousand men lived and mined, fought and robbed, loved, gambled, and drank in Alder Gulch when the boom was at its peak. The twisting main street was choked with men on foot, with wagons, saddled horses, pack-trains, and slow, lumbering ox-teams. Adobetown was one long succession of blacksmith shops where the oxen were driven into stocks, slung clear of the ground, and each cloven hoof shod with twin shoes.

Alder Creek finds its source in Bald Mountain, a peak of the Tobacco Root Range, and empties into what is now called the Ruby River which, in its turn, discharges its waters into the Beaverhead. The name Ruby was given the stream by comparatively recent action of the Montana legislature, changing it from the earlier and objectionable title of Stinking Water. To the Indians the stream was known as the Passamari, a Shoshonean word meaning "the water of the cottonwood groves," and both of the early names are still heard as frequently as Ruby — derived from the Ruby Mountains along the western side of the valley.

There are half a dozen traditions to account for the origin of the name Stinking Water. Some say that early travelers along its course found hot sulphurous springs at various points in the valley. The overflow from these tainted the water and made both flavor and odor repellant. Others will tell you that the stream was fouled by the rotting carcasses of hundreds of buffalo that were frozen to death during a particularly severe winter, or —

the same general story — by the decaying bodies of bison captured in pitfall traps by the Indians. Dimsdale, the earliest historian of the section, ascribes the name to the objectionable odors from scaffolds erected at various locations in the valley, scaffolds upon which the Indians laid their dead — an ingenious theory but weakened by the fact that the tribes of the region did not practice the platform burial but interred their dead. Write your own ticket — sulphurous springs being probably the best bet!

Into the Passamari, between Alder Gulch and the Beaverhead, empty other streams that rise in the Tobacco Roots. These creeks figure as important geographical locations in the history of the section. Just north of Alder is Bivins Gulch, then California Gulch — famous for the immense nuggets found there — Ramshorn Gulch, Spring Creek, Indian Creek, and Wisconsin Creek.

Bannack was the nearest town — seventy-five miles away — and the road thither followed northward along the higher ground to the east of the Passamari, crossed that stream a short distance below the mouth of Wisconsin Creek, climbed the high bench that thrusts out from the Ruby Mountains, and dropped down to the Beaverhead River just below the bluff mass of the Beaverhead Rock, a precipitous outcropping of stained limestone named by some pioneer who saw in it a fancied resemblance to the head of a beaver. Bannack was reached from the Beaverhead River by way of Rattlesnake Creek.

The metropolis of the region was Salt Lake City, more than four hundred miles distant. One stage route to Salt

Lake — operated by A. J. Oliver & Co. — followed the Passamari and the Beaverhead, crossed the divide to Bannack, and from there on to the ford of the Snake River near Fort Hall and through Port Neuf Cañon to the Mormon settlements. The second — and both lines were established and operating on regular schedules by the summer of 1863, so tremendous was the influx of settlers and prospectors — was Peabody & Caldwell's, employing a route that led south into the cañon of the Passamari and west through the pass between the Ruby Mountains and the mighty peaks of the Snowcrest range. Mail, clothing, flour and other staples, and necessary supplies came by one or the other of these routes or were brought by pack-train from Fort Benton, the head of steamboat navigation on the Missouri River.

Either route was one abounding in hardships, difficulties, and dangers of which that from hostile Indians was purely incidental. The bitter northern winters ruled the land from November to June, frequently closing the passes for weeks at a time. Spring freshets undermined, gullied, and washed out the miserable cart-tracks that were by courtesy called roads. In the lowlands along the rivers whose courses they followed, the stages, freighters' wagons, and pack-trains labored slowly through clinging mud that was hub-deep on the high wheels or up to the bellies of the plunging horses.

Wild, remote, and inaccessible was Alder Gulch, barred from the western world and that distant eastern hinterland known as "the states" by the snowy ramparts of the Rockies and leagues of territory swarming with raid-

ing Indians and still shown on the inaccurate maps of the day as the "Great American Desert." Wild towns, wild times, wild men — and among the wildest was old Bill Fairweather himself, the bearded giant who made the original discovery and gave his name to the diggings.

Men called him "Old Bill," but he was only in his twenty-seventh year when he made the Alder Gulch strike, having been born in Woodstock Parish, Carlton County, New Brunswick, June 14, 1836. Six feet and two inches of bone and sinew, a mop of chestnut brown hair falling over his shoulders, a pair of immense sweeping mustaches, and a curly reddish beard that fell over the breast of his checked shirt.

At some time during his wanderings through the West he had learned — and the manner of that learning would be wonderful to know — that rattlesnakes would not harm him. No one ever discovered whether or not he was actually immune to the venom of the big diamondbacks of the Rockies. The snakes simply refused to strike at him and he could pick them up and handle them as a fisherman handles an angleworm.

On the prospecting trip which ended with the discovery of the Alder Gulch diggings the party had been captured by the Sioux on the Yellowstone and were taken to one of the Indian encampments. As he and his companions were being marched along, closely guarded, Fairweather saw a large rattlesnake coiled beneath a sagebrush. Unobserved by the Indians he captured it and stuffed it inside the bosom of his shirt. On the outskirts of the village he obtained another reptile and concealed

it in the same place. His explanation, given to Harry Edgar later, was that he "thought they might come in handy."

The six white men — Fairweather, Edgar, Hughes, Cover, Rodgers, and Sweeney — were halted in front of the medicine lodge in the middle of the camp. The Indians — warriors, old men, squaws, and children — crowded around to inspect the prisoners. Their captors were already announcing the disposition they proposed making of the miners and chanting their hymns of self-praise for the valor they had displayed in capturing six of the hated white race. William Sweeney understood and spoke Sioux and Fairweather also had some knowledge of the language.

"It looks bad," whispered Sweeney. "They're talking scalping us, of course, but they're talking burning and skinning alive and other things first. It looks damned bad!"

"Maybe!" muttered Bill Fairweather, "but if they're only trying to throw a scare into us two can play at that game!"

He thrust his big hand within his shirt bosom and dragged out some three or four feet of squirming yellow and black coils. Further groping beneath the garment produced a second trophy. The serpents slipped smoothly about one another in his hands, their flat, triangular heads darting back and forth in quick searching movements. They coiled about his forearms, raised their evil lipless faces to the level of the man's own, and lowered them again. He freed one hand and deliberately

slapped the vipers. They drew back, the tips of their tails became an indistinguishable blur, and the air was filled with the harsh, dry sound of their rattled warning.

At the first sight of the serpents the Indians shrank back in fear and awe. Surely no ordinary man could handle rattlesnakes with such impunity. Sweeney was quick to take advantage of the sensation his partner had created.

"*Wakan* (sacred)," he announced solemnly. "*Wakan witshasha!*"

The six miners were taken into the medicine lodge and marched three times about the red-flowered bush, itself *wakan,* that was planted in the center. Fairweather grew weary of the ceremony, of the throbbing tom-toms and the grunted chant.

"Tell 'em that if they make me prance around here any more I'm goin' to pull up that damn bush!" he shouted to Sweeney.

The other man translated the threat but the ritualistic march did not cease. Bill shifted both his snakes to his left hand, stepped out of the line, plucked the sacred bush from the earth with a twist of his strong fingers and, in the words of Edgar's diary, "walloped the medicine-man over the head with it!"

"The old chief drove the other Indians back with a whip," Edgar continues, "and we formed three to three, back to back. We had refused all along to give up our guns and revolvers. They had a council which lasted from noon to midnight. In the morning we got our sentence. If we attempted to go on they would kill us. If

we would give up our horses and go back we would not be harmed."

When the time came, however, the savages made no attempt to molest the white men or confiscate their horses. Bill Fairweather's medicine was too strong a dose for the Sioux to swallow. If he could play with living rattlesnakes and flog their own priest with the sacred bush from the lodge he must indeed be "*wakan*" and these other men must be under his protection. The party proceeded in the direction they desired to go with neither interference nor protest on the part of the Indians.

Gold, in itself, meant nothing to Bill Fairweather. It was something that would buy him liquor and a good time, that was all. He threw it away — literally so — riding his horse up and down Wallace Street in Virginia City, tossing gold dust by handfuls into the air, and roaring with laughter as children, bar-room loafers, and Chinamen scrambled in the mud for the yellow nuggets. He drifted away from Alder Gulch in 1868 — wearying of wealth so easily acquired — and for more than four years prospected through other lonely regions of the Northwest; far up the Peace River of British Columbia and into southeastern Alaska. The district that bore his name called him back in the end and he died, a pauper and a drunkard, on August 25th, 1875, at "Robbers' Roost" — Pete Daley's roadhouse in the Passamari Valley.

Such was Virginia and such were the men who made her in the days when gold was as common as dirt, easy to

get and easier to spend. A hundred million is generally considered a conservative estimate of the total output of Alder Gulch. After the placer miners had reckoned the pay dirt exhausted the Chinamen went in with shovel and pan and gleaned what the white man had wasted or overlooked; and after the Chinamen came great steam dredges, turned the land upside down from the Passamari almost to Nevada, and took out a fortune.

One of these monsters was working along the northern side of the gulch and the engineers in charge faced a rather ticklish problem in moving the unwieldy vessel around the tip of a rocky point at the mouth of a tributary ravine known as Water Gulch. It was finally suggested that the simplest course would be to dig through the obstacle. The machinery was started and the engineers surprised and delighted to find traces of "color" in what they had thought would prove only worthless dirt. A subsequent discovery caused a messenger to be sent as fast as his horse could gallop to find the dredge captain in Virginia City.

"What's wrong?"

"Something's busted down. We're finding color — a good deal of it — but th' dredge ain't savin' th' gold. She's just throwin' it out with th' dirt!"

"Shut her down! I'll get there as soon as I can."

He saddled a horse and raced down to the dredge. The reason for the faulty operation was soon discovered — and the eyes of the men nearly popped out of their heads.

The rocky point through which they were digging had been formed by a slide from the hillside, covering some

yards of the original bed of Alder Creek and diverting the stream to a new channel. Gold from this ancient streambed had filled and clogged every one of the plates of the dredge and the precious metal was running out, untrapped, with the waste dirt! Forty-eight thousand dollars' worth of gold was taken out that afternoon!

Earlier methods were much more primitive. Miners sank shafts here and there on their claims to the bedrock; one man working at the bottom of the pit while his partner windlassed the pay-dirt to the surface and piled it for washing. The sands, permeated by many springs and tiny streams, were treacherous in the extreme and dozens of men were smothered by cave-ins before more experienced miners arrived in the region and taught the placer men how to timber shafts in soil of the nature they were encountering.

Samples were taken by the old method of panning, but when the richness of the sample warranted more elaborate machinery was made — sluices, rockers, and "long-toms." Granville Stuart, a pioneer of the gold days in California and one of the first discoverers of the precious metal in Montana, has left us in his diary the following delightfully ingenuous description of the manufacture and operation of a "long-tom."

"We made our long tom in this manner — the bottom was a twelve foot board twenty-four inches wide; nailed on each side of the bottom and about three feet longer than it were the sides which were about ten inches high. The projections beyond the bottom on each side were sloped up in a gentle curve. From the end of the botton up to the top of the two side boards and

on the curve were nailed heavy sheet iron, the lower edge of which was closely nailed fast to the ends of the bottom. It was punched full of half-inch holes to the number of thirty-five or forty.

"The tom was placed in the gulch with the sheet iron end from twelve to twenty inches lower than the upper or open end in which a considerable stream of water was turned from a water ditch. Under the iron end of the tom was placed a wooden box about four inches deep and about the size of the perforated iron above it. This box was placed on the ground with the same slope as the tom above, and had several bars of wood about two inches high placed at intervals across the inside of its bottom.

"In using the long tom after it was properly set in place two of us took our places one on each side of the tom where, with pick and shovel, we dug up and shoveled into the tom the sand and gravel of the gulch which the stream of water washed down to the perforated iron plate at the lower end where the third person was stationed with a shovel with which he stirred the sand and gravel back and forth on the half inch holes down into the flat box underneath where the water carried off all the sand and gravel over the lower end of the box, leaving the gold and some black sand lodged against the two inch bars placed across the bottom of the box. The man at the plate threw out all the pebbles and rocks which were too large to go through the holes as soon as they were washed clean; but he had to carefully examine what he threw out lest, as sometimes happened, there might be some nuggets of gold too large to go through the holes in the iron."

"Bummer Dan" McFadden was one of the earliest arrivals in Virginia City and became one of the town's most noted characters. The title of "bummer" was not bestowed upon him because of any inherent laziness. True, he was constitutionally and conscientiously op-

posed to manual labor of any nature whatsoever, but the nickname was of less obvious origin. McFadden was a "bummer." He bummed his meals, he bummed his drinks, he bummed tobacco, he bummed a place to sleep. When he began bumming a few dollars in dust with which to gamble the miners rose in their wrath.

"Get to work or get out!" he was told. "Go locate a claim and dig your own gold!"

"What do I know about minin'?" Dan expostulated. "I don't know where to dig."

"One place is as good as another. Dig anywhere. Dig over there!"

They indicated a benched hillside well above the creek — a location of so little apparent value that no man had considered it worth locating as a claim. Dan bummed a pick, he bummed a shovel, he bummed a bucket and some rope, and calmly proceeded to sink a shaft into the richest pay gravel yet discovered in the gulch. "Bummer Dan's Bar" produced more than five million dollars in gold!

McFadden, together with all of the original settlers of Alder Gulch, came from Bannack, the town on the site of the Grasshopper Creek diggings discovered by John White in 1862. News of the wealth of the Fairweather strike spread with almost telegraphic rapidity all over the West and fortune seekers from every part of the country turned their faces toward the new Golconda. The majority of these newcomers were earnest, hard-working miners, but others were of a totally different

stamp — men whose hands had never known the callosities produced by pick and shovel and who laughed at the thought of honest toil.

Just as the gray wolves slunk on padded feet through the sagebrush on the flanks of the buffalo herds did these human wolves prowl remorselessly along the trails followed by miner, prospector, and trader. And of the two beasts the four-footed was the more merciful.

No man knows from whence they came, but there is no mining camp nor cow-town of the West that has not its tales of bandits, road-agents, gun-men, high-graders, and rustlers. Some had been known in California, leaving that country precipitously when law shut down with an iron hand and the outlaws were hunted down like wolves. Others had followed the emigrant trains across the plains, lured by the adventurous life of the Indian fighter and drifting easily into the less rigorous vocation of banditry. Oregon, Washington, Idaho, Wyoming, and Utah had known them — men who shot first and talked afterwards; silent deadly men, and loud-mouthed, blustering braggarts no less dangerous. They plied their trade at Gold Hill and Carson City, Nevada; at Lewiston and at Oro Fino, Idaho. They had looked over the possibilities at American Fork, Montana, and many of them had drifted to the Grasshopper diggings as the most promising field that had so far presented itself.

And in Bannack, elected sheriff of that town just two days before Fairweather and his companions made their strike in Alder Gulch, was the chief of them all; a courtly,

polished gentleman; a skillful, cold-eyed gambler; an admired and trusted official; a gun-man as swift and deadly as mountain lightning; the most mysterious, incomprehensible character the West ever knew — Henry Plummer!

CHAPTER IV

Henry Plummer

AN accurate biography of Henry Plummer can never be written. Among all the bad-men of the old West he stands alone as the most mysterious, the most unapproachable. Whence he came and from what stock he sprang but one man knew — and that man was the close-lipped Plummer himself. Even Dimsdale, who published his first articles on the outlaw days in April of 1865, could learn nothing that was definite about the origin of the road-agent leader.

The man himself appears to have deliberately drawn a veil before that portion of his life that lay elsewhere than in the West, carefully avoiding any action or speech that might reveal his origin. Wilbur Fisk Sanders — of whom these sketches will speak further — is authority for the statement that Plummer, when called upon to sign various writs and documents issued by him as Sheriff of

the Bannack district, merely scribbled his signature, writing at times in a vertical script, at others in an oblique hand, and spelling his name variously Plummer, Plumer, and Plumber. Only one authentic signature survives, in spite of the fact that the man must have signed many warrants and other legal papers. His name appears here with no apparent attempt at concealment — Henry Plummer — in a small, neat, almost effeminate hand.

There exist at least a dozen stories — in the main apochryphal — of his origin, the most fantastic being that he was an Englishman of titled birth sent to America as a remittance man. Other narratives — and each is advanced as the only true account — credit him with being a Bostonian, a Pennsylvanian, and a native of Ohio. Dimsdale believes it most probable that he came to the West from Wisconsin, while Nathaniel Pitt Langford — an early resident of Montana who afterwards wrote on the days of the Vigilantes — supports Connecticut as Plummer's birthplace and tells of meeting the man's brother and sister in New York City in 1869 and being compelled to inform them of their brother's reputation.

There is, however, a lamentable lack of corroborative detail in Langford's story of his encounter with the bandit sheriff's relatives. Perhaps he was prompted by a chivalrous delicacy but no names are given, one is left rather in doubt as to whether the meeting took place in New York or in Connecticut, and there is a complete lack of the biographical detail that Langford, knowing Plummer and the mystery that shrouded the man, could and, one would think, would have obtained at such a time.

The best that can be said for Langford's "human interest" story of his contact with Plummer's family is "not substantiated." The sheriff of Bannack, according to Langford, was only twenty-seven years old at the time of his death. All other accounts, together with the evidence furnished by the known facts of his life, indicate that he was at least ten years older.

He was unquestionably a most exceptional individual, the most distinctive personality that can be found among the bad-men of the West. Save for a single strain of weakness in his character — a lack of moral strength; the tendency to take a crooked path even when a straight one would have proved more pleasant and more profitable — his name might stand on the pages of Montana's history with those of Sanders, Hosmer, Edgerton, and Williams. Fame could have been his; he achieved only infamy.

Physically — and there are almost as many stories of his appearance as there are of his origin — he was somewhat above medium stature, about five feet nine or ten inches in height, and weighing between 150 and 160 pounds. He was slender, though not lean, lithe, active, and graceful. The contour of his face gave an impression of plumpness which his body did not possess. His features were regular, his eyes blue and mild, his hair chestnut-brown with a hint of red. He wore a brown mustache which he kept neatly trimmed.

He was meticulously careful in his dress and person. A daughter of Sidney Edgerton, first governor of Montana, is living today in Great Falls. Mrs. Plassman was

a girl of thirteen when the family lived in Bannack in 1863 and '64 and retains a vivid recollection of those stirring days. Henry Plummer had occasion to consult frequently with her father who at that time was Chief Justice of the Territory of Idaho.

" Plummer looked like a gentleman! " she asserts positively, " that's what he looked like! He looked more like a gentleman than any man in Bannack. He never wore buckskins and his clothes were always clean and pressed. He kept his hands clean, too, and I never saw him when he seemed to need a shave.

" Of course, I saw him only when he was, you might say, on his good behavior; but I can remember that his voice was low and pleasant and that he never used any of the slangy talk of the miners or their rough expressions. He had a bow and a pleasant smile for every woman he met on the street, and the same for the men. He had the reputation of being the best dancer in Bannack. Everybody liked him.

" Yes, Henry Plummer was a bandit — there's no doubt about that. He was a thief and a killer, but he was a gentleman as well! "

Every account of the man that can be found agrees on the fact that Plummer possessed a most charming personality. He was a brilliant conversationalist, able to talk well and interestingly on almost any subject, used excellent grammar, made friends easily, and invariably proved more than fascinating to women. The profession he customarily followed, that of gambler, did not prove a social handicap. It was a day when the gambler, the

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saloonkeeper, and the dance-hall proprieter were recognized as readily as the doctor, the lawyer, and the merchant.

Wherever Plummer may have spent his early years he was undoubtedly lured to California by the development of that region that followed the discovery of gold. He is first heard of in Nevada City, in eastern California, in 1852 — a date which, if Langford's statement as to his age is correct, would make him a boy of sixteen or seventeen. He was unquestionably much older, for in 1853, in partnership with one Henry Hyer, he established the "Empire Bakery" in Nevada City. He served as town marshal in 1856, was re-elected in 1857, the same year was nominated on the Democratic ticket for the post of state assemblyman but failed of election to the latter office. The record of this political activity is additional evidence of his maturity.

While still serving as town marshal he became involved in a clandestine affair with a Mrs. Vedder, a married woman living in Nevada City. He was surprised in the home by the husband and when Vedder refused to obey a command to halt Plummer shot and killed him. He was arrested and tried, the case going on appeal to the supreme court of the state (People vs. Plummer, 9th California, page 299) when it was demonstrated that a juror who had stated that he held no preconceived opinion as to Plummer's guilt or innocence had, prior to the trial, announced hotly that "hanging was too good for him." A new trial with a change of venue was granted and in Yuba County Plummer was sentenced to serve ten years in the penitentiary.

Friends — and he always had plenty of them — came to his rescue. Representation was made to Governor John P. Weller that the prisoner was dying of tuberculosis and in a moment of weakness, making no effort to investigate the claim, the executive issued a pardon. Plummer returned to Nevada City and resumed his partnership with Hyer, opening the "Lafayette Bakery." Baking was evidently the only trade he knew, for we learn that after Hyer left the country Plummer established the "United States Bakery," operated it for a short time, and then sold out to one Louis Dietrich. He stated that he was returning to the East and got as far as San Francisco, where passage around the Horn could be obtained, but changed his mind and returned to Nevada City, drawn back by his infatuation for a Spanish or Mexican courtesan of the town.

From that time on the black marks appear on his record in rapid succession. A man, mentioned only as "a man from San Juan," was beaten over the head with a pistol barrel by Plummer in a brawl in a rowdy resort in Nevada City. He apparently recovered and no action was taken against his assailant although the victim died less than two years later from the effects of the punishment he had received.

A few weeks after that affair a Wells-Fargo stage was held up in the Washoe Valley in Nevada. The leader of the robbers barked out the usual command of "Hands up!" and swung a shotgun to bear on the driver. As he did so the barrels fell from the piece, the tapered key that locked them to the stock not having been driven

home. The driver saw his opportunity, slashed his long whip across the backs of his team, and dashed away. Plummer was suspected, arrested, and tried. The case was dismissed for lack of evidence, the fact that the robbery had not been successful evidently being taken into consideration.

During the winter of 1860-1861 Plummer killed another man, Ryder by name, in a particularly sordid quarrel over two prostitutes in Nevada City. Again he was arrested and jailed. A brace of revolvers were smuggled in to him, presumably through bribery, and he held up a guard and walked out in broad daylight. He fled to Oregon where, in Walla Walla, he was presently joined by Bill Mayfield who had tunnelled his way out of the Nevada penitentiary at Carson City while imprisoned there under sentence of death for killing Sheriff John Blackburn. From Walla Walla Plummer circulated the report that he and Mayfield had been hanged for murder in Washington Territory, striving by this means to discourage pursuit and extradition to California for their crimes. Mayfield enjoyed a short but bloody career in Oregon and Idaho as a member of the gang of which Henry — "Cherokee Bob" — Talbert was "chief." He was killed in Boise in January of 1862 by a man named Evans in a quarrel arising from a game of cards.

Save for the seduction of another married woman Plummer did nothing to distinguish himself during his stay in Walla Walla. His next bid for fame and the first instance of his remarkable ability for organization finds him at Lewiston, Idaho, and the Oro Fino diggings.

Here he organized his first road-agent band. The mines at Oro Fino were rich and the wild, unknown, mountainous country lent itself admirably to criminal purposes and made pursuit almost impossible. By the early summer of 1862 every crooked gambler, horse-thief, high-grader, holdup-man, and general tough was a member of the combination, owing allegiance to Plummer and sure of a refuge at the retreats — known to the initiate as "shebangs" — which were maintained at various points in the practically unsettled region.

One of these bases, from which the gang operated and to which they retired after a successful coup, was between Alpwai and Pataha Creeks, some twenty-five miles from Lewiston on the road towards Walla Walla. Another was at the foot of Craig's Mountain, between Lewiston and Oro Fino, and there were other smaller stations where a hunted man could count upon shelter and protection.

Associated with Henry Plummer in this Idaho enterprise were men whose destiny was to carry them beyond the mountains to Bannack and Virginia City; men cast for important rôles in the tragedy of Montana. Bill Bunton, Cyrus Skinner, and Jack Cleveland were in this number.

Skinner was a saloonkeeper — a profession he followed throughout his career. Like many of the others he had been in California. He had been ordered out of the Golden State following a shooting affray in a San Francisco resort of which he had been proprietor. His own participation in the affair could not be definitely proved, but he was ordered summarily to get out and he heeded

the injunction, drifting north to the Columbia Valley and operating saloons in Walla Walla and in Lewiston. He was primarily a plotter, planning coups which other men executed, but he possessed an abundance of courage and frequently rode with the road-agents on their missions. Mercy and forbearance were words that were lacking in Cyrus Skinner's vocabulary. He believed firmly that dead men told no tales and himself died as he had lived, close-mouthed.

Billy Bunton, a trusted lieutenant of Plummer's at Bannack, was another of the Oro Fino gang. He was about thirty years old, large, good-looking after a heavy-featured fashion, an excellent horseman and utterly fearless. He, like Skinner, had been a saloonkeeper in California and had also followed gambling as a profession and had operated dancehalls and similar resorts.

During the summer of 1862 Bunton rode to Walla Walla and attended a ball at a cabin on Copeye Creek near that town. He got into a quarrel with one Daniel Cogwell, or Cagwell, and in the course of the dispute jerked a revolver from his belt and killed the man. Bunton's horse was picketed near the house and he got to the saddle and was away to a good start before pursuit could be organized. He crossed the mountains to Montana and was one of the first members of the outlaw group to appear in Bannack.

Ned Ray's association with Plummer in Idaho cannot be proved although he is known to have been in that part of the country in 1861-'62 and is generally credited with participation in several crimes there. His criminal record,

too, extends to California. He limped slightly all his life, due to the presence on his right ankle of a large bunchy mass of scar tissue — relic of gunshot wound received in escaping from San Quentin prison where he had been serving a term for robbery.

Plummer himself, we know, rarely allied himself openly with the outlaw element. Throughout his life he preferred the rôle of Macchiavelli to that of Borgia; was a Richelieu rather than a Louis or a Bonaparte. He remained behind the scenes, pulling the strings to which his puppets danced; guiding, controlling; but keeping himself in the good graces of the respectable people of the town.

During the winter of '61-'62 a German saloonkeeper named Hillebrant (Hildebrandt?) was killed in Lewiston. A crowd of the roughs, Jack Cleveland among them, shot him as he lay in bed in his cabin. Hillebrant, they considered, knew too much about the outlaw element, and he had talked rather freely of what he knew.

The brutality of the affair roused the townspeople. There was loud talk of lynching the murderers, of organizing a Vigilance Committee and of making a wholesale clean-up of the evil-doers. None was louder in denunciation of the murderers than Henry Plummer. He condemned bitterly the lawlessness of the deed and the unsettled social conditions that made such an atrocity possible; but even more vigorously did he decry mob-rule as a substitute for organized government and the equal lawlessness of extra-legal executions for the killers of Hillebrant. He spoke feelingly of the "horrors of an-

archy" and of the disgrace that would forever smirch the name of Lewiston if the citizens should act without due process of law. Mobs are fickle; easily swayed by apparent trifles, by determined leadership or equally stalwart opposition. Those who shouted the loudest for a Vigilance Committee, for a quick trial and a short rope, began to shake their heads. The law and order movement died a-borning and Henry Plummer, quietly triumphant, went on about his business.

He held that organization of outlaws together for sufficient time to prove conclusively to himself that such syndicalism of crime would be a splendidly paying proposition in a rich, lively camp. For a time business in the Lewiston section was good but the association was forced to disband hurriedly after a brawl in an Oro Fino saloon in which Patrick Ford, the proprietor of the resort, was killed. The death of Ford seems to have developed in all of the bandits a lively fear of a rather irritating neck-ornament known as the "California collar," and there was a general and very hasty exodus. Plummer, Charley Reeves, and a man named Ridgely who had been shot twice through the leg by Ford got out with the vanguard. They tarried a day or two at Elk City, but Plummer moved on when he encountered there several men who had known him in California.

In September, 1862, Plummer and Reeves rested for a few days at the cabin of James and Granville Stuart on Gold Creek. The diary kept by the brothers tells of their arrival and of James repairing a shotgun for Plummer. A footnote in the published diary, appended to the entry

for September 18, identifies their visitor with the man who was to be sheriff of Bannack. The two announced that they were on their way to the Grasshopper Creek diggings but though they left the Stuart cabin after a very short stay there is no record of Plummer having gone on, at this time, to the Beaverhead country. For some reason he changed his mind and decided to return to the "States." He and Reeves parted company and Plummer, with Jack Cleveland, started for Fort Benton where they could get a steamer that would take them down the Missouri to St. Joseph and civilization.

They got as far as the post on Sun River, sixty miles above Fort Benton, where the government was making a futile effort to teach the Blackfoot Indians how to be farmers. J. A. Vail was managing the farm and visiting him and his wife was Mrs. Vail's sister, Electa Bryan. Her name has come down into Montana history as Eliza, another error to be charged to the carelessness encountered so frequently in the early records.

In Electa Bryan, Plummer encountered, for once in his career, a woman who refused to yield readily to his blandishments. Both he and Cleveland were badly smitten and, giving up all thought of an immediate return to the East, remained at the post and paid strenuous court to the maiden. One story is to the effect that she was engaged to Cleveland and that the suave and courtly Plummer cut out his friend. This is most improbable. Jack Cleveland had never been at Sun River until he came there with Plummer and he was scarcely a type that

would make any appeal to a cultured, gently-reared girl like Electa Bryan.

Henry Plummer had a way with the ladies, a gift that would be defined today by a capitalization of the third person, singular, neuter pronoun. He was a fast worker and thrived on opposition. He remained at Sun River only about two months but when he left he was engaged to the dainty, shy Electa. Some rumors of his reputation must have reached the ears of the Vails, for both the "Colonel" and his wife cautioned their sister against having anything to do with the man, but the warning was heeded no more than all similar ones since the first dashing Lochinvar rode out of the West. Electa fell — hard! She believed all of the stories told her by her ardent suitor and accepted his explanations and his expressions of regret for his "difficulties" in California and Nevada. They became engaged and Henry Plummer remained in the West.

Electa was the cause of a violent quarrel between Plummer and Jack Cleveland. Cleveland was the only link between Henry and the past that he seems to have been genuinely desirous of burying and Plummer feared him. John White's accidental discovery of gold on Grasshopper Creek turned out to have been far richer than was at first suspected and there was a lively stampede to the new diggings. Plummer or Cleveland — one of the two — decided to join the rush; the other accompanied him. In their mutual fear and hatred each was afraid to let the other out of his sight. They arrived

in Bannack, as nearly as can be determined, about Christmas-time of 1862.

It would be pleasant to think that Plummer's reformation was genuine and that he came to Bannack determined to play a straight game and establish himself in some legitimate line of business. His finances were at low ebb, but as assets he had his remarkable personality, the ability to instill confidence in the men with whom he came in contact, and the inspiration and incentive found in his thoughts of the girl he had left behind him at the Sun River farm.

Romance seems to have touched the case-hardened adventurer and philanderer. He regarded Electa Bryan not as another conquest to be added to the many he had already made but as the girl he desired to make his wife. His past was behind him and he knew that the easy tolerance of the West would ask no questions and would judge him solely upon present performance.

Every account of those days in Bannack early in 1863 tells us of the high regard in which Henry Plummer was held. Men looked up to him, deferred to his judgment, and sought his opinion on countless matters of business. It was known that he had been in California and Nevada and he was frequently consulted as to the value of gold claims or the possibility of the presence of silver in the ledges. News of the astounding wealth of the Comstock Lode had swept northward like a racing flame across Nevada and Idaho and the miners of Grasshopper Creek had no desire to be guilty of an error similar to that committed at the Comstock where tons of rich sil-

ver ore had been thrown away, its value unsuspected, in the search for the gold which was the only metal that the Nevada prospectors knew and recognized.

Plummer's easy manner, his courteous and modulated speech, his obvious possession of an education superior to that of the average miner, soon established him as one of the leading men of the settlement. He built a comfortable cabin and announced his intention of bringing Electa Bryan to Bannack as soon as possible and joining the ranks of the camp's Benedicts.

Naturally, the wealth of the Grasshopper diggings attracted many roughs and outlaws and among them were some who had known Plummer in California or been associated with him at Oro Fino. Billy Bunton was there. So were Charley Reeves, Cyrus Skinner, and a reckless, blasphemous, bad-man known as Jack Gallagher.

George Ives was also resident in Bannack. Ives, who figures prominently in the history of the Vigilante days, was a native of Wisconsin, a scion of a well-known family that had given its name to the town of Ives Grove. He had come West to seek fortune or adventure and had drifted readily into a life of crime. He was a killer, a man who shot first and asked questions afterward, utterly conscienceless, but capable of assuming a courteous and affable demeanor scarcely less impressive than Plummer's own. He appears to have come into Montana from the east or south, there being no record of his presence in Washington, Idaho, or California. His ostensible business was that of horse-ranching and when the rush started to Alder Gulch he was one of the first to settle in

the new territory. He took up land in the lower Passamari valley and there established a horse-ranch, taking in for pasture on the soft ground of the river bottom animals that had become footsore and temporarily useless from being ridden over the rocky trails of the mountains. He knew the whereabouts and the capabilities of practically every piece of horse-flesh in the region — a knowledge that was to prove of infinite value to the gang in planning their activities.

Two other men of Bannack — Bill Hunter and Steve Marshland — had been residents of Idaho and knew Plummer's reputation. Hunter and Marshland had been honest, hard-working, respectable citizens on "the other side," but had suffered a moral relapse in crossing the Rockies and in Montana speedily identified themselves with the outlaw element.

Plummer's contact with these men during his early days in Bannack was one of easy familiarity. They knew his record, of course, but their own was equally black and he seems to have had no fear of exposure from any talk of theirs. Certainly, there is no ground for suspecting that at this time he had any sort of an alliance with them or that they recognized him as "chief."

At only one point did the specter of his California, Oregon, and Idaho days rise to confront him. He had one bitter enemy — an enemy that had been a friend — and he feared and hated Jack Cleveland. Cleveland knew him, knew of the killings of Vedder and Ryder in California, of his association with Mayfield and Cherokee Bob, of the road-agent band that had terrorized the trails

about Oro Fino. He and Cleveland had quarrelled — and no quarrel is more bitter or more enduring than one over a woman.

Cleveland made no effort to conceal his true nature in Bannack. He was a swaggering, bragging, loud-mouthed bully. He drank and, drunk, he talked.

"Plummer's my meat!" he exclaimed on more than one occasion.

"I'm not looking for trouble, but he knows where to find me if he wants me bad enough," was the only comment Plummer made when the threats were repeated to him. His attitude created a very favorable impression, but one can easily imagine the terror that was masked by the cool demeanor; the cold fear that Cleveland might talk too much, and the arrival at the grim decision that the braggart's wagging tongue must be silenced. There was but a single method by which this could be accomplished, and all that Henry Plummer asked was the chance.

When an able man seeks opportunity it usually presents itself. On the morning of January 14 Plummer, together with a number of citizens of the town, was seated by the big wood-stove in Goodrich's saloon. It was bitterly cold, the ground was frozen as hard as granite to a depth of four or five feet, the waters of Rattlesnake and Grasshopper creeks were still, and little work was being done at the mines. The games — poker, roulette, or faro — had not yet opened at Goodrich's. Men entered, ordered a hot Tom & Jerry, commented on the wintry weather, and joined the group about the glowing stove. With

Plummer, chatting idly on topics of the day, were Ivan Moore, Jeff Perkins, Henry Crawford, and Harry Phleger. George Ives was lounging against the bar; another man was stretched out comfortably, half asleep, in the barber's chair that stood in a corner. The door slammed open, admitting a gust of wintry air, and Jack Cleveland, his wide black hat shoved back on his head, swaggered to the bar. He was half drunk, talkative, and truculent.

"I know 'em all!" he shouted as he gulped a drink. "I know every son that's come over here from th' other side of th' mountains. They're tryin' to freeze me out, but I'll get some of 'em yet. I'm th' chief around here and I'll fight any son that says I'm not!"

Plummer was quietly watchful, his eyes following Cleveland's hands and watching the pair of Navy revolvers that hung on the man's thighs. He himself was similarly armed. It was a day when the average citizen on leaving his home donned his guns as naturally and unconsciously as he did his hat. Cleveland's attention was diverted by his recognition of Jeff Perkins.

"There you are!" he exclaimed. "I've been lookin' for you, too. You owe me forty dollars."

"I've paid you that money, Jack," said Perkins quietly. "I paid you in Fort Hall."

"If you have, it's all right," muttered Cleveland. He dropped his hand to his gun, drew the weapon partially from its scabbard, and drunkenly repeated his comment on the debt.

Perkins was unarmed and Plummer, coldly vigilant, told Cleveland to let the matter drop, that the debt ap-

peared to have been paid and that nothing further should be said. As Cleveland turned to face Plummer, Perkins slipped quietly away, whispering to Crawford his intention to get his guns and to kill Cleveland on sight. The bully saw him depart.

"There he goes!" he shouted. "He's afraid of me! All you sons are afraid of me but I ain't scared of a damned one of you!"

Plummer's wrath boiled over. No one knew what the drunken man might say next but Plummer alone feared his possible revelations. Cleveland stood in the middle of the floor, his back to the bar, and Plummer was seated, facing his enemy, on one of the low benches that were ranged about the stove. He leaped to his feet, his hand flashing to his gun. No man in the mountains, save possibly Charley Forbes, was his equal in pistol-speed.

"I'm tired of this!" he shouted.

As he spoke he drew and as he drew he fired. Two shots struck Cleveland in the body. He pitched forward to his knees, groping blindly for his gun, all the fight hammered out of him by Plummer's bullets.

"Don't shoot!" he begged his former friend. "Don't shoot me while I'm down!"

"I won't!" returned Plummer grimly. "Get up on your feet!" Even in his rage, in the white heat of battle, his voice retained its calm, passionless tones.

The wounded man staggered to an erect position and Plummer fired twice more. His first shot thudded into the wall above the barber's chair, the second struck Cleveland beneath the left eye. He fell to the floor again and

Plummer replaced his weapon in its scabbard and turned away. As he left the saloon George Ives and Charley Reeves fell in on either side of him and escorted him to his cabin. In this protection of his retreat is the only evidence that Plummer, so soon after his arrival on Grasshopper Creek, was on confidential or intimate terms with any of the rough element. The promptness with which the two outlaws got him to his cabin — all accounts agree that their guns were in their hands as they walked swiftly down the street — and their anxiety as to the reaction of the citizens of Bannack to the shooting of Cleveland may indicate that Plummer had already organized or started the organization of his gang. It is equally probable that the action had no such significance.

If Plummer had feared the living Cleveland his fears were redoubled as the man lay dying. Death-bed confessions! He knew how seriously they were regarded and the proverbial cold sweat seems to have been his as he waited for news of Cleveland's passing. The wounded man was carried from the saloon by Henry ("Hank") Crawford and Harry Phleger and taken to Crawford's cabin. Plummer betrayed his anxiety when, in the course of a short conversation, he asked Crawford three times if Cleveland had "said anything about me." He was assured that the dying man had not mentioned his name but his comment gives additional proof of his terror.

"It's good for him he didn't," he observed. "If he had I'd come down there and kill the son as he lay in bed!"

Jack Cleveland died three hours later, died game and

mute. To repeated questions as to the nature of the trouble between him and the man who had killed him he replied: "That doesn't make any difference to you." A few minutes before he died he whispered: "Poor Jack hasn't got any friends. He's got it and I guess he can stand it!"

The following Monday, January 19, the circumstances of the death of Cleveland were driven from the public mind by a new tragedy. Three men of the outlaw group, Charley Reeves, Bill Moore, and Bill Mitchell, wantonly shot up a Bannack Indian camp on Yankee Flat, a small plateau on the edge of the town. The shooting was the result of an effort made by Reeves to compel the return to his cabin of a squaw that he had purchased some time previously. The woman had left him and had gone back to her people with a story of brutal treatment received at Reeves' hands. Angry because the chief of the band would not order her return Reeves and Moore, with Mitchell standing by, fired several volleys into the closely grouped lodges. Two Indian men and a papoose were killed, as was also a Frenchman whose name is given variously as Bissette, Brusette, and Cazette. Several white men present in the camp were wounded.

The wanton attack on the Indians sent the temperature of the townspeople to fever heat. A mass meeting was called and when it was learned that the three had departed from Bannack a call was issued for volunteers to pursue them. Four men — Lear, Higgins, Rockwell, and Davenport — followed the fugitives and brought them to bay in a thicket on Rattlesnake Creek. Reinforcements

arrived from town, the hiding-place was surrounded, and after a long parley the marauders surrendered. They did not give up until after they had received a solemn promise from their captors that they would be given a trial by jury in Bannack. To the infinite surprise of the members of the posse Henry Plummer, his hands in the air, followed Reeves, Moore, and Mitchell from the undergrowth.

You will be told that Plummer had preceded the three out of town in order to aid them in escaping and that this is evidence that even at this early date he was the leader of the outlaws. Unfortunately there exists no proof whatever of this protection. Such interest and solicitude is not in accord with the character of the man as we know it and the argument is unsound. When George Ives, who became one of his right-hand men after the organization of the gang, was tried a year later for the murder of Nicholas Thibalt the chief of the road-agents did not raise a finger to aid him. Henry Plummer took excellent care of Henry Plummer; the interests of others were purely secondary.

His story — delivered in a straightforward and convincing manner at the trial he received on the return of the party to Bannack — was that he had left town because he feared that in the excitement caused by the unprovoked attack upon the Indian village he would be hanged for killing Jack Cleveland. His meeting with Moore, Mitchell, and Reeves, he maintained, was entirely coincidental.

Very evidently this explanation was accepted without question for when the story of Cleveland's threats was

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told the court Plummer was promptly and honorably acquitted. Bill Mitchell was sentenced to be banished — it was demonstrated that he had taken no part in the actual firing — but Dimsdale tells us that he "hid around town for awhile" and then returned and was not molested. Moore and Reeves were obviously the guilty parties and they were called for a joint trial.

The posse capturing them had promised the pair that their guilt or innocence would be determined by a jury. The town, inflamed at the outrage, was overwhelmingly in favor of the rough-and-ready expedient of a "Miners' Court." This was the last thing the guilty men and their friends desired. One and all, they feared the noose. They knew only too well how summary was the justice of the miners' courts. A yell of "What's th' use of all this talkin'? They're guilty. String 'em up!" had frequently proved the sum total of the arguments offered in a case.

Three hours were spent in bickering over the question, a jury trial finally being obtained through the efforts of Nathaniel P. Langford who swayed the crowd by appealing to them to uphold the promises made to the prisoners by the officers that had been sent out after them. J. F. Hoyt was elected judge; "Hank" Crawford, sheriff; and George Copley and William C. Rheem as attorneys for the defense and prosecution. The jury was selected after further argument and Langford appointed foreman.

This trial marked the first move of the rough element to dominate the town of Bannack. Public opinion was sharply divided. The miners and the better element of the townspeople held out for exemplary punishment of

the guilty pair; the outlaws strove to make a farce of the proceedings and obtain their friends' release. While witnesses were being summoned and examined the roughs swaggered at will and unreproved in and out of the courtroom. Guns were freely displayed and remarks such as " I'd like to see any God damned jury that would hang Charley Reeves and Bill Moore! " were freely uttered where the twelve good men and true could not fail to hear. The final verdict was 11 to 1 in favor of acquittal. Only the fearless Langford pronounced the men guilty and voted for the death penalty. A compromise verdict was finally decided upon. Reeves and Moore were pronounced guilty of " manslaughter in the first degree " and were sentenced to banishment. Death was to be the penalty if they were found within a distance of six hundred miles of the Bannack diggings. They were given three hours to leave town and departed immediately. Like Mitchell, however, they decided that the trial was " all in fun " and after an absence of a few days returned to the camp. Eventually the sentence was revoked by action of a miners' court.

" Thus," says Langford bitterly, " the first scene in the drama, which had been ushered in by such a bloody prologue, terminated in the broadest farce."

Plummer had been acquitted of guilt in the killing of Cleveland but he found that the officers elected for the trial of Reeves and Moore were not discharged after those proceedings and that Hank Crawford, in whose cabin Cleveland had died, was sheriff of the Bannack district. Plummer was convinced that the man he had killed had

made an ante-mortem statement. He did not believe Crawford when the sheriff assured him that Cleveland had said nothing and all his terror of exposure was transferred from the dead man to the new official. Crawford too, he decided, must die.

CHAPTER V

The Sheriff of Bannack

WITH the inauguration of his self-made feud with Henry Crawford appears the first evidence of Plummer being associated in any way with the outlaw group. We can find no trace of his participation in any of their illegal activities but there is every indication that he obtained aid and encouragement from such men as Reeves, Bunton, Ives, Stinson, Ray, and "Old Tex" Crowell. Many of the outlaws had known him in the Oro Fino days. They resented the introduction of any semblance of law and order in the region and willingly rallied about their former chief. Plummer's ambitions do not seem to have extended beyond the removal of Crawford. All evidence of crime on a large scale, of a systematized, centrally controlled and directed criminal effort, appears much later.

There was no subtlety in Plummer's campaign against Crawford. His actions were those of a small-town bully

spoiling for a fight. He carried a chip on each shoulder, he blustered, threatened, and swore; and ever at his heels were two or three of the roughs — the typical small-boy admirers of the larger youth who is cock-of-the-walk and has been known to smoke a cigarette. In boys it would be laughable; in men with loaded revolvers in their belts and murder in their hearts it is grim tragedy.

Crawford had one very narrow escape from being the victim of a deliberate frame-up. A stranger picked a quarrel with him in a saloon and challenged him first to a pistol duel and then to a fist fight. The sheriff, willing to oblige, laid aside his belt and guns and slapped the man across the face with his open hand. The stranger whipped a pistol from beneath his coat, but before he could fire Crawford grappled with him and disarmed him. Henry Plummer came to the man's assistance and wrenched the gun from Crawford's grip. At this juncture Harry Phleger, who seems to have appointed himself Crawford's guardian, intervened and at the point of his own revolvers stopped the fight. Later in the day the proprietor of the saloon in which the brawl had taken place confessed that the quarrel had been pre-arranged and that Plummer and his friends were standing by to kill Crawford as soon as the mêlée got well under way.

The following Sunday Plummer tried in every conceivable manner to force Crawford to fight. He cursed him, branded him as a coward, and finally dared the sheriff to walk with him out of the saloon in which they had encountered each other. They stepped side by side through the doorway into the snow-covered street.

"Now, damn you," said Plummer, "pull your gun!"

"I'll pull no gun, Plummer," answered Crawford steadily. "I've never had to pull a gun on a man yet and I'm not starting now."

"Pull it!" the killer insisted. "No man can say I never gave you a chance. Pull it and cock it and I won't go for mine until you say 'fire.'"

Crawford refused to be inveigled. He knew that Plummer was chain-lightning with a gun and that the second he dropped his hand to the butt of his own weapon the other man would draw and fire with a single motion. He shook his head stubbornly.

"You're a lousy coward!" snarled Plummer. "Fight me like a man now or, by God, I'll shoot you down like a dog! I'll give you two hours and then I'll kill you on sight!"

Crawford showed conclusively that he was a far braver man than his enemy. He gripped Plummer by the shoulder.

"If that's your game, Plummer," he said quietly, "you might as well start it now. I'll give you a fair target."

He turned and walked calmly down the street. Plummer knew that he dared not shoot the sheriff in the back and was compelled to stand and watch him depart. Before the two hours had gone by the two men met each other again in Peabody's saloon. Harry Phleger was with the sheriff and a second clash was prevented only when the faithful Phleger drew his guns and held Plummer and his friends at bay while he and Crawford backed out to the street. On reaching his cabin Crawford broke down,

his nerves completely shattered by the strain of the day. Phleger stood guard over him all night.

A curious character, this Hank Crawford; cowardly where another man would be brave, and displaying totally unexpected flashes of high courage in situations where apparent cowardice could be called only a justifiable caution. He had no liking for his job as sheriff of the Bannack district and made repeated efforts to quit but could find no authority competent to accept his resignation.

The feud continued; Plummer trying in every way to pick a fight, Crawford steadfastly refusing to be drawn into the quarrel. One will immediately ask why Crawford, as sheriff, did not place the bully under arrest and have him banished for his threats. No answer can be found. He simply did not do it and so obvious a way out of the difficulty does not seem to have occurred to him. And Plummer, oddly enough, does not seem to have lost the regard in which he was held by the majority of the citizens of the town. It was a situation that defies analysis but which unquestionably existed.

The deadlock continued until March 5. Crawford's vocation was that of butcher. Within his shop, cutting steaks and chops for the women who came to buy, he felt safe and laid aside his guns. Nor did he think it necessary to buckle the belt about his waist when a woman living in the rear of the Bannack Restaurant, the building next to his store, called to him as he stood in the doorway and invited him to have a cup of coffee. He strolled across the intervening space and was sitting at the table when Frank Wray, a friend and sympathizer, broke into the room. The sheriff set down the cup.

"My God, Hank," Wray exclaimed, "it's now or never! That fellow Plummer is out looking for you. He swears he'll shoot you on sight and he's going to do it. Here!"

As he spoke he thrust a rifle into the sheriff's hands. The name of the owner of the gun has come down to us. It was the property of J. B. — "Buz" — Cavan, one of the first settlers on Grasshopper Creek and afterwards appointed by Plummer as a bailiff of Virginia City.

Crawford took the weapon, stepped out of the door, and walked slowly around the cabin and along the side wall of the Bannack Restaurant to the street. Directly across from him was Plummer, a rifle in his hands, his eyes on the door of Crawford's shop.

The sheriff wasted no more time. He threw Cavan's weapon to his shoulder, took aim for a second, and fired. The heavy ball struck Plummer in the right elbow just below the joint, tore through the flesh of the forearm, and lodged in his wrist. And one point upon which all of his biographers do agree is that when the ball was removed after Plummer's death — Thompson tells us that a Bannack physician robbed the grave and took the skull and the bones of the forearm — it was "as bright as silver from the constant friction of the joint."

Crawford's shot was the only one fired in the encounter. The shock of the impact knocked Plummer down. Thinking he had killed the man, Crawford ran to his shop, closed the door, and waited for the attack he felt confident would be made by Plummer's friends. These quickly gathered around their prostrate leader, whose first words showed that he had not seen his opponent.

"Some son has shot me!" he muttered as they raised him.

They carried him to his cabin and called Dr. Glick, the only practicing physician in Bannack. In this connection we are told a fanciful story to the effect that the doctor's professional interest in his patient was stimulated by the guns of the outlaws. The arm was so torn by the bullet that Dr. Glick considered amputation necessary. Plummer, feverish and suffering intense pain, protested and was supported by the bandits who never left his cabin day or night. They recognized the tragedy in the loss of a shooting arm and Tex Crowell hitched his belt, weighted with an eight-inch Bowie-knife and two revolvers, significantly as he instructed the surgeon in his duties.

"You fix him up right, doc," said he, "an' do it without carvin' off his wing, too. Yu'd better do yore damnedest, 'cause if Henry Plummer croaks I'm just naturally goin' t' have t' cut yuh loose from yoreself!"

Whether this story is true or merely a part of the cloak of fiction that has been thrown about the mysterious figure of the outlaw leader will never be known. All of which we can be positive is that Henry Plummer did not die — then — and that the man who had shot him did not wait for his recovery. Crawford remained in Bannack only a week after the shooting. The strained situation — the atmosphere of constant threats and counter-threats — was more than he could stand. He closed his butcher-shop and departed for his home in Wisconsin.

Crawford left Bannack on the 13th of March, 1863. On May 24th of that year Henry Plummer was elected to

fill the office his enemy had vacated, sheriff of the Bannack district!

Utterly inexplicable, but unquestionably true. The record of that election, in the copper-plate handwriting of D. H. Dillingham, can be seen today in the Historical Library at Helena.

At a meeting held in Bannack City May 24, 1863, for the purpose of electing a judiciary and executive for Bannack district, W. B. Dance, Pres't. of said dist. in chair, D. H. Dillingham was elected Secretary.

On motion it was resolved that the officers — viz. Judge, Sheriff, and Coroner be elected by ballot and that the President should appoint judges and tellers of said election.

Messrs. Burchette, Purple, and Dike were appointed Judges, and Clark, Smith, and Hewsted tellers of said Election. The polls were then thrown open for two hours.

554 votes were cast which resulted in the election of

B. B. Burchette — Judge
H. Plummer — Sheriff
J. M. Castner — Coroner
} of Bannack District

On motion it was resolved that the above named officers be declared unanimously elected.

On motion it was unanimously resolved that the term of these respective officers be for one year unless a territorial organization be declared by the United States Government in the interim and officers elected and qualified.

(signed) D. H. Dillingham
Secretary

Bannack City
May 24, 1863

There are those who say this election was obtained by fraud — that Plummer was elected by the votes of the rowdy element who expected by putting him in office to

obtain official protection of their misdeeds. James Henry Morley, who kept a diary — devoted principally to details of his own mining labors — during the period he lived in Bannack and Alder Gulch, writes under date of May 24:

"In P.M. miners' or rather bummers' meeting at which a judge and sheriff were elected and a code of laws adopted."

If fraud were the case, or the electoral votes cast by "bummers," how can the election of the balance of the ticket be explained? Burchette, Castner, and Dillingham were all men of the highest stamp. So was W. B. Dance who presided at the meeting. Nor do the names of any of the judges and tellers of the election appear among those of the known roughs of the district.

True, the record has obviously been altered. Over the total of 535 votes that Dillingham recorded as cast another hand has traced the figures 554 — but a difference of nineteen votes could scarcely have swung the election without there being handed down some account of a close contest or a dispute.

A small minority vote for the shrievalty was polled by one Jefferson Durley, but on the face of all available records Plummer's election appears to have been an expression of public trust and confidence in him as the best man for the job. The balloting was orderly, there is no record of protest, and it is evident that the feud with Crawford had made little impression on the public mind. Various conclusions might be drawn from the fact that Crawford left town, very hastily, within a short time of

the affray. Plummer remained. He had taken to his heels after the shooting of Cleveland but he appears to have had no fear of public opinion in the Crawford matter. One is forced to ask if the true story of the events leading up to that encounter has ever been told.

Sheriff Plummer was scarcely installed in office when he departed from Bannack, riding northward through the mountains and the dark cañons of the Continental Divide to Sun River where Electa Bryan waited. It was a long, difficult journey — a fact important in its relation to events that were to follow. There were a few — a very few — isolated ranches and here and there a lone prospector might be encountered on the banks of a mountain stream; but in the main the two hundred and more miles of timbered ranges and broad valleys was as primeval in its solitude as when Lewis and Clark had first entered the Northwest Territory.

Plummer's course took him over the hills from Bannack to the Beaverhead River, down that stream to its junction with the Big Hole River to form the Jefferson, and on north and east along the valley of the Jefferson where the town of Whitehall now stands. Then, leaving the river, the rough trail struck into the mountains and crossed the Boulder Divide to the approximate location of Helena. The placer bars of Last Chance, Grizzly, and Confederate Gulches were yet to be discovered and the broad Helena Valley was scarcely known to the white man. Pronghorn antelope and bison roamed there in thousands, feeding with the high-antlered elk that followed the retreating snows. From the Helena Valley

Plummer reached Sun River through either Wolf Creek or Prickly Pear Cañon, more probably the latter.

There has been circulated a story to the effect that he took Cyrus Skinner, the Bannack saloonkeeper, with him to act as his best man and that the pair timed their trip so as to reach Sun River with the arrival of the mail carrier (some say the stage) from Walla Walla to Fort Benton. The fable would have us believe that the pair slipped out early in the morning of the day set for the wedding, killed the mail carrier and a man who accompanied him, buried men and booty in the thickets along the river, and returned for the ceremony.

This is but one of many fantastic yarns that were circulated long after the work of the Vigilantes was done. It has no foundation whatever in fact and has accomplished nothing beyond the creation of a healthy tradition of buried treasure in the vicinity of St. Peter's Mission on Sun River.

Henry Plummer, alone, reached the fort on Sun River on June 2, 1863. He tarried there for eighteen days, awaiting the coming of a clergyman, Rev. Mr. Reed, and of Mr. Vail, Electa's brother-in-law, who was absent at the time of the bridegroom's arrival. Plummer made a most favorable impression upon the little group of white people at the isolated post. One youth — a Philadelphian named Joseph Swift, Jr., who was clerk for Francis M. Thompson — was completely fascinated by the magnetic personality of the sheriff of Bannack. The days passed pleasantly and swiftly. There were hunting expeditions after antelope, a sight-seeing trip to the Great

Falls of the Missouri, and, without a doubt, rides and drives and long walks with Electa.

Rev. Mr. Reed evidently did not arrive, for on June 20, 1863, Henry Plummer and Electa Bryan were married by Father Joseph Menetry (Menetre) of the Society of Jesus at St. Peter's Mission. And in the annals of the Historical Society of Massachusetts Francis M. Thompson (afterwards a member of the judiciary of that state) has told of the frontier ceremony. He wrote in his diary:

"The pretty bride was neatly gowned in a brown calico dress and was modest and unassuming in appearance. The dapper groom wore a blue business suit, neatly foxed with buckskin wherever needed, a checked cotton shirt, and blue necktie. The best man was the tall and graceful Joseph Swift, Jr., who wore sheep's gray pants foxed and patched with buckskin, a pretty red and white sash, and a gray flannel shirt, and was under the necessity of wearing moccasins both of which were made for one foot. Being a leader in Blackfoot fashions he wore no coat."

Mrs. Vail probably acted as her sister's matron-of-honor, for Thompson's diary tells us that he, at the suggestion of Father Menetre, served as "bridesmaid." The fact that Swift was Plummer's best man quashes the Skinner legend. Thompson goes on to tell that his garments too were "foxed and patched with buckskin wherever necessary." The wedding breakfast included baked buffalo hump and corn bread made from meal that had been ground in a hand mill.

The newly-married couple did not tarry long. They borrowed a government "ambulance" — the ambulance

used by the army on the plains resembled a station-wagon or buckboard — harnessed up four half-wild, plunging, bucking, Indian ponies, and departed for Bannack.

Henry Plummer took both matrimony and the duties of the shrievalty very seriously. He was, at this period of his career, either the greatest hypocrite unhung or a man earnestly striving to reform and to live down a most unsavory reputation. The months from June to September of 1863 present a calendar of inconsistencies. One is compelled to consider the character of the deputies Plummer appointed immediately following his election and prior to his departure for Sun River. Of four, three were notorious roughs, gunmen, and desperadoes — Buck Stinson, Ned Ray, and Jack Gallagher. The fourth, D. H. Dillingham, was of a different stamp. He had acted as secretary of the election that had placed Plummer in office and was an earnest, hard-working supporter of law and order. An explanation of Plummer's appointment of the known outlaws was advanced by one who has seen the rise and fall of boom-camps in all sections of the West. He pointed out that the records do not indicate definitely whether Plummer appointed Stinson, Ray, and Gallagher before he left Bannack for Sun River or after his return from his wedding trip. When the sheriff and his bride reached Bannack the rush to Alder Gulch was at its height, Virginia City and her sister towns were booming, every man was certain that he had a fortune in sight, and none would be willing to assume the duties of deputy sheriff. The only prospects such a position offered were those of long hours, hard work, extreme danger, and

small pay. The election of May 24th had extended the authority of the sheriff of Bannack over the other towns of the district. From Grasshopper Creek to Virginia City was more than seventy miles. Deputies had to be assigned to such distant camps and Henry Plummer took what men he could get. There can be no question but that he knew that Ray, Stinson, and Gallagher were or had been road-agents; he knew too that they were fearless, determined, and expert shots.

His choice of deputies may indicate that Plummer was already associated with the outlaw element. In contradiction is the fact that his every action following his return to Bannack as a married man forces us to believe his reformation sincere. He forsook gambling as a profession, drank only occasionally and then very sparingly, deserted the saloons, paid strict attention to his official duties, and had nothing whatever to do with the rowdy element.

His income could not have been large. A Miners' Court assembled on October 19, 1862, had fixed the fees the sheriff of Bannack should receive. "It shall be the duty of the sheriff," they decided, "to serve all writs and executions, and carry out the awards of the Court, and do all other acts appertaining to his office, and (he) shall receive for his services: for attendance in Court during trial, $2.50; serving warrants, $1.00; serving summons, 50 cts.; and 25 cts. each for summoning witnesses and jurors, and 25 cts. mileage."

Such a schedule of fees certainly promised no great wealth for the incumbent of the sheriff's office in a

sparsely-settled community, except for the joker that might be hidden in the mileage clause.

Crawford's bullet had left Plummer's right arm practically powerless. Little function remained in the elbow and the torn muscles of the forearm atrophied considerably as they healed. His survival, both officially and personally, might well depend upon his skill with his weapons and he spent many hours in training his left hand, practicing assiduously at drawing and firing a Navy revolver slung butt to the front on his right side. As the weeks went on some strength returned to his wounded arm and he eventually was practically ambidextrous in his use of weapons — undoubtedly as quick and as accurate a shot as there was in the mountains.

Shortly after his return from Sun River, in talking to N. P. Langford, who wrote of the conversation in later years, Plummer spoke quite frankly of the reputation he bore and of his desire to make good in spite of it.

"I got in with a pretty tough bunch in California and Nevada," he said regretfully. "I had to kill five men — every time in self-defense — and it gave me the name of a desperado and a murderer.

"Things are different now. I'm married and have something to live for. I have an official position and want to prove that I can be a good man among good men."

Many things indicate that the better element of the community thought very highly of their sheriff. Petition had been made for authority to establish a regularly organized lodge of the Masonic order in Bannack. The

petition — addressed to the Grand Lodge of Illinois — was a sequel to the funeral of William H. Bell who died at Bannack on November 2, 1862. He had been a Mason and fellow-members of the order decided to bury him according to the ritual of the fraternity. So many men responded to the call that it was midnight before the last had been examined as to his qualifications to sit in the Lodge of Sorrow. The natural decision to organize on a permanent basis followed and Plummer expressed on several occasions a desire to become a Mason.

"Such were his persuasive powers," says Langford, "that he succeeded in convincing several members of the order that in all his affrays he had been actuated solely by the principle of self-defense and that there was nothing inherently criminal in his nature. There were not wanting several good men among our brotherhood who would have recommended him for membership."

Such a statement, coming from a man who claims to have distrusted and suspected Plummer from the beginning, may certainly be taken as indicative of public opinion. There is, however, absolutely no foundation for the legend that Henry Plummer was initiated into the Masonic order and that he gave the fraternity's signal of distress and appeal for assistance when he was arrested by the Vigilantes. Like those that have been quoted, that is but another of the fantastic and apochryphal tales that have sprung up about the man and the time, as imaginative and with no more foundation than the persistent story that membership in the Vigilantes was limited to Masons, or that the law and order organization found its inception in the Bannack Masonic Lodge.

On September 2, 1863, ten weeks after their marriage, Electa Bryan Plummer left her husband and departed for her home in Cedar Rapids, Iowa. Neighbors in Bannack were told that she was merely leaving for a visit, that Plummer would join her in Cedar Rapids in the spring, and that they would return to Montana together. His duties as sheriff, the friends of the couple were reminded, made unavoidable frequent long absences from home; Electa was lonely, she had not seen her parents for a long time, therefore, she was departing.

Like the explanation by Pharaoh's daughter of the discovery of the infant Moses in the bulrushes, that was *her* story. Electa was not entirely alone when the sheriff was away. Her brother-in-law had resigned his position as manager of the Sun River farm and with his wife had moved to Bannack very shortly after their sister's marriage. The Plummers boarded with the Vails and Francis M. Thompson, now a storekeeper in Bannack, and his clerk Joseph Swift also had their meals at the same house.

Electa's story was dictated by her loyalty to the man whose name she bore. Behind it was a history of petty quarrels, and of a disillusionment that had followed closely upon matrimony. Henry the husband, the little bride discovered, was a different individual from Henry the suitor. He reserved his cheery good-fellowship for the townspeople and brought to his home an irritability from which sprang an unending series of clashes. Up to the last he fooled his in-laws, but Electa, in the close intimacy of husband and wife, saw the more sinister side of his character. Had she stuck to him there might have

been another story to tell. Plummer was as dominant a character as any of the leaders of the Vigilante movement; a man of infinite capacity for either good or evil. Properly inspired, he might have proved a terror to the road-agents and the petty thieves of the lawless community. Lacking such inspiration, the weaker side of his nature, the utter lack of staunch moral fiber, prevailed.

But such speculations are fruitless. The "might-have-beens" are endless. The facts are that Electa departed from Bannack on September 2, traveling with a wagon-train bound for Salt Lake City which was the nearest point where connection could be made with the Overland Stage. At the crossing of Snake River in southern Idaho the party encountered another train en route to Bannack. The north-bound travelers were headed by Sidney Edgerton of Ohio, recently appointed by President Lincoln as Chief Justice of Idaho Territory, and included his wife and daughter, Martha, and two nephews — Wilbur Fisk Sanders and Henry S. Tilden. Had Plummer been gifted with clairvoyance; could he have foreseen the influence these men, particularly Sanders, were to have on his career, none of them would have reached Montana.

Of that party only one survives. Edgerton's daughter Martha was a child of thirteen — she admits herself that she was a precocious youngster — when she crossed the plains with her father in 1863. She remembers the passage of the treacherous Snake River, the meeting of the two wagon-trains at the ford, and the pause for gossip that always attended such rare encounters.

"We did not speak with Mrs. Plummer," she says.

"She stayed in the wagon, but she was pointed out to us as the wife of the sheriff of Bannack. Of course, at that time we none of us knew Henry Plummer or his reputation. When we met him we liked him, just as did everyone else in Bannack. Even up to the last there were plenty of people in the town who would not believe that he was the leader of the road-agents. When we got to Bannack Colonel Sanders and his wife lived next door to Plummer and my father and mother had a cabin on the next cross street, only a short distance away.

"Mrs. Plummer was a small woman, I remember. I guess you'd call her a blonde. She had big gray eyes, and her hair was brown, soft, and fluffy. I never saw or heard of her again after that meeting."

Electa Bryan Plummer steps from the picture at that crossing of Snake River and passes forthwith into Montana mythology. Legends have gathered about her, but the truth is that no man knows what happened to her. After Plummer's death Francis M. Thompson, who acted as the sheriff's executor, forwarded a considerable sum of money to her — funds that Plummer had placed in his care. Its receipt was never acknowledged.

Most persistent is the tradition that Electa, in the late spring of 1864, bore Plummer a posthumous son and named the child for his father. When the boy was seven or eight years old she returned to Montana and remained for some weeks at the ranch owned by Samuel Ford on Sun River. She had come back, we are told, for the purpose of obtaining a large sum of money buried near a cabin that Plummer had occupied during the winter of

1863. Samuel Ford's son is still living in Missoula. He was a boy twelve years old at the time of Plummer's widow's visit and believes firmly that the woman who boarded with his parents had been the wife of the sheriff of Bannack. He tells of playing with young "Henry" and of the diligence with which "Mrs. Plummer" directed several laborers in excavating at various points along the bank of the river. Her search for her husband's buried loot, says Ford, was unrewarded.

Again, we hear that she remained in Iowa with her parents; that she had no children by Plummer; that she married again very shortly after his death; and that her sons and daughters by this second marriage still survive.

And there still remains the sadly romantic tale of a heart that broke when she learned the true facts of her husband's life and the circumstances of his death. She entered a convent — a closed order — and died within the cool gray walls of that retreat, her name forgotten, her identity lost.

Somewhere within those wide limits lies the truth. Electa is but a minor character in the drama of the Montana outlaws and the Vigilantes — a grim historical tragedy wherein no rôle existed for her gentle nature. To know her fate would be interesting, would round out and complete a chapter, but no more. It is sufficient to know that with her department come the first definite signs of Plummer's complete moral relapse and the organization of the lawless element under his able leadership.

CHAPTER VI

The Square Deputy

AS has been told, the news of the Fairweather strike on Alder Gulch reached Bannack while Henry Plummer was absent at Sun River. He had departed within a few days of his election, but he had not gone without appointing deputies and the law in the Bannack district was represented by four men — Jack Gallagher, Ned Ray, Buck Stinson, and D. H. Dillingham. The first three were as black-hearted an evil trio as ever held up a stage or cut a miner's throat for his sack of gold-dust. The fourth, Dillingham, was a quiet, honest, hard-working young chap who took his new job and its responsibilities very seriously. He had been, you will remember, secretary of the election that had placed Henry Plummer in office.

Almost as soon as news of the strike reached Bannack, Jack Gallagher saddled his horse and clattered out of town with the vanguard of the rush.

"If she's a boomer," he announced, "somebody's got to be there t' maintain law an' order!"

He grinned evilly, displaying his uneven, yellow teeth, and the cronies to whom he addressed his remark guffawed their appreciation of its subtle humor. Jack was a great lad! They could count on Jack to let them know if the new diggings were really, as had been reported, "gold from the grass-roots down," and whether Alder Gulch merited their serious professional attention. No one would trample on Jack's toes! Hadn't he shot and nearly killed the blacksmith, Temple, for arguing with him for killing a dog? Jack was the man for the job.

Some of the men of the town, wise in the matter of gold stampedes, deferred their departure. Many times before they had seen towns depopulated on the strength of some wild rumor — and then had watched the disappointed ones come straggling back. If Bill Fairweather and his partners had found gold in that distant creek there'd be enough for all. Time enough to decide to go to Alder Gulch when the news was confirmed. Among these skeptical ones were Washburne Stapleton and Jim Dodge. Only when they learned that the Fairweather diggings were unquestionably the richest yet discovered in the Northwest Territory did they make their leisurely plans for departure. Dodge and Dillingham, the one honest deputy, were close friends and the Plummer-appointed officer warned the miner against making the trip at the time he and Stapleton had decided upon.

"You and Wash Stapleton have both done pretty well here," said the deputy. "Everybody knows it and Buck Stinson and Hayes Lyons and Charley Forbes are going to hold you up somewhere along the trail. I know they mean business so you'd better watch out."

Dillingham was not fooled for a minute by his fellow-deputies. He knew that Plummer had recruited them from among the roughest, toughest, hardest gun-men of a rough, tough, hard camp; that every one of them had a criminal record and that they were still actively engaged as road-agents, high-graders, horse thieves, or in any other pursuit that promised large returns for a minimum of effort. He told Dodge as much and the latter, badly frightened, sought Stapleton.

"I'm not going to Alder Gulch, Wash. You and the others go ahead if you want to, but just count me out. Stinson, Lyons, and that damned murderer Forbes are planning to hold us up. I know when I'm well off and I'm going to stick right here in Bannack!"

Stapleton ridiculed the other's fears.

"You're crazy, Jim. We know every one of those fellows and they wouldn't dare try such a trick. Come on, and quit being a coward and a hold-back!"

Dodge shook his head stubbornly.

"I know what I'm talking about. They mean business. I got it straight. Don Dillingham told me!"

The cat had escaped the bag. Almost as swiftly as the news of the strike on Alder Creek had spread men learned that Dillingham had warned Dodge that he was to be held up and had given him the names of those who were planning the robbery. The intelligence was conveyed promptly to the plotters and Charley Forbes' clean-cut features were black with rage.

"I'll get the son," he swore hotly, "if it's the last thing I do! He's sure spoiled our game!"

The others chorused profane agreement.

"Dodge is scared off," Hayes Lyons announced. "He's given up th' idea of goin' over to Alder Gulch. Wash Stapleton's going but we don't dare touch him now. By God, that's the last game of mine that Dillingham's goin' to step in on!"

The square deputy knew nothing of the betrayal of his warning to Dodge. He left for the Fairweather diggings immediately following his conversation with the miner. Several horses belonging to a rancher living near Bannack had been stolen and the natural assumption was that they had been "borrowed" for transportation to the new strike. The conscientious Dillingham rode out on the trail of the animals. Hayes Lyons, following the deputy, overtook Stapleton on Rattlesnake Creek. He halted the miner gruffly.

"Did anybody tell you I was going to hold you up?" he demanded.

"No!" lied Stapleton. "This is the first I've heard of it. If you're figuring on a stick-up, Lyons, go ahead. I've only got a hundred dollars in greenbacks with me. Take them, if you want to, and we'll forget all about it."

Lyons denied any intentions of robbery.

"That damned Dillingham spread that lie," he added hotly. "I'm on my way after him now and I'll kill him on sight."

He touched his horse with his big, star-rowelled, Mexican spurs and galloped away. Stapleton followed more leisurely, admitting afterward that he had felt more comfortable even when sleeping in church.

Although the new town of Virginia City was less than a month old, houses and shacks were already springing up on both sides of the gulch, the miners had organized and held several meetings, regulations and mining laws had been adopted, and officers elected to hear and arbitrate all disputes over claims or boundaries. Dr. William L. Steele, elected president of the Fairweather District on June 12, 1863, was trying one of these civil cases on June 29, the day following that on which Lyons, Stinson, and Forbes had arrived in town. The courtroom was a tiny brush wickiup toward the lower end of the settlement and Dillingham, who was an excellent penman, was pressed into service as clerk of the court. The three road-agents learned of his whereabouts and walked down to the wickiup, arriving at a time when the court had recessed for a few moments. Dillingham was standing by the entrance to the shelter as his enemies walked steadily up to him, Stinson a few steps in advance of Forbes and Hayes Lyons.

"We want to see you," Lyons remarked to Dillingham as they passed him.

"Bring him along over here!" Stinson flung over his shoulder.

Dillingham followed them, a couple of paces to the rear of Lyons and Forbes. They walked on some dozen strides beyond the shack when Stinson suddenly halted and turned. The other two wheeled with him, facing the unsuspecting Dillingham.

"Now, damn you, take back those lies!" barked Lyons.

Dillingham got no opportunity to reply. Lyons' hand

was on the Navy revolver in his belt and as he spoke he drew and as he drew he fired. Stinson and Forbes were but the fractional part of a second slower. The three reports almost blended.

"Don't shoot! Don't shoot!" Forbes shouted as his finger pressed the trigger.

The square deputy, shot through thigh and breast, sank to his knees and then, with a groan, fell forward on his face. Jack Gallagher, his gun in his hand, came charging around the corner of the wickiup and confiscated the three smoking weapons.

"We can't have that sort of stuff around here!" he shouted for the benefit of bystanders. "Who's been shot? Where is he?"

Dillingham had been carried into a tent a few yards away and placed on a roulette table. He died as the men lowered him to the green cloth. Gallagher, within the shelter of the tent, re-charged the empty chamber of Stinson's revolver and placed a fresh cap on the nipple. Three shots had been fired, but the presence of only two discharged weapons, with no evidence as to whose hand had held the unused gun, would complicate the case against his three friends. The subterfuge had been decided upon in advance. When Gallagher left the gambling hall where the dead man lay he found that the miners, under orders of Judge Steele, had placed Stinson, Lyons, and Forbes under arrest.

"Try 'em right now!" shouted the angry men of Alder Gulch as the three killers were hustled into a nearby cabin and there placed under guard.

DR. WILLIAM L. STEELE, JUDGE OF THE COURT WHICH TRIED LYONS, FORBES AND STINSON

A hot discussion immediately arose as to whether a jury trial or a "miners' court" would prevail. Friends of the three naturally held out for a trial by jury and strove to shout down or intimidate all who opposed them. They knew that the deputy sheriff would empanel the jury and that Jack Gallagher, appointed by Henry Plummer, was that deputy. The better element, however, was equally determined that no such hand-picked body would be allowed to decide the guilt or innocence of the three and finally a "jury of the whole" won out. This will of the people was ascertained by a count of the supporters of each of the two plans as they passed between a couple of wagons drawn up across the street.

Curiously enough, three medical men, Doctors G. G. Bissell, William L. Steele, and Samuel (?) Rutar, were chosen to preside as judges. E. R. Cutler, a blacksmith, and James Brown were appointed public prosecutors, and "Judge" Harry Percival Adams Smith — a most worthless drunken sot, afterwards banished from Alder Gulch, but an able lawyer — conducted the defense. The judges — Dr. Steele, as president of the gulch, was senior — seated themselves in an empty wagon and court was open.

It was decided that Forbes should be tried separately from Stinson and Lyons. Men had heard his cry of "Don't shoot!" and this was thought to indicate that he was not so deeply involved as the others. Darkness settled over the gulch before the entire evidence against Stinson and Lyons was submitted and the court adjourned until the following morning. The prisoners were taken to a half-completed log building and placed under guard

for the night. Several suspicious circumstances made it appear that an effort might be made to rescue the three and it was proposed to fasten them to the walls with a light logging chain. None of them enjoyed the prospect and Forbes was highly indignant.

"By God, I'll die first!" he cried, leaping to his feet.

Several shotguns and a half dozen pistols swung suddenly to bear on him and the men behind the guns blithely announced their complete willingness to grant him his preference. They lowered their weapons slowly and somewhat reluctantly as he sat down.

"Chain me," he said meekly, holding out his wrists for the fetters.

During the night Hayes Lyons summoned the guard and demanded that the other two men be set at liberty.

"I killed Dillingham," he admitted. "I was sent over here from Bannack to get him. Some of the best men there wanted him killed."

He mentioned three or four prominent citizens of the other town by name and added:

"Henry Plummer told me to kill him."

This statement by Lyons has been generally accepted as proof positive that Plummer was fully aware of the plan to kill his one honest deputy and had endorsed, if not instigated, it. This can be neither proved nor disproved. No records existent show the exact date of the sheriff's return to Bannack after his marriage. We know that he left Sun River on June 20th, presumably during the early afternoon, but how swiftly he and his bride made the long hard trip is a question. Mention has

already been made of the difficulties of that journey. Lyons, Forbes, and Stinson had learned of Dillingham's betrayal of their plans and had left Bannack for Alder Gulch on June 26th or 27th, more probably the earlier date, as we know they were in Virginia City on the 28th. It is extremely doubtful whether Henry Plummer, driving over the rough, scarcely definable roads and trails of the mountain country between Sun River and Bannack, could possibly have returned to the Grasshopper Creek diggings by that time. There is no thought in these sketches of white-washing Henry Plummer — as evil and treacherous a rascal as the primitive West ever produced. He was perfectly capable of ordering the execution of Dillingham, or of killing the man himself if he thought it expedient; but there is no logic in attempting to credit him with crimes or conspiracies of which he was not, nor could not have been, guilty.

The trial of Stinson and Hayes Lyons was continued on June 30th. The usual array of witnesses was summoned and their stories were told. All agreed that the killing had been particularly deliberate and cold-blooded. The settlement of a private feud was the only defense that could be offered and even Judge Smith, his forensic abilities stimulated by the bottle, found difficulty in making that plea convincing. Cutler, who knew nothing of law, closed his argument for the prosecution in a few dozen words. Judge Steele turned to the jury — the hundreds of men that were packed about the open air hall of justice.

"You have heard the evidence," he said curtly. "What

is your verdict? Are Buck Stinson and Hayes Lyons guilty or not guilty of the killing of D. H. Dillingham?"

There was no pause for deliberation or balloting.

"Guilty!"

"Hang 'em!"

"String 'em up!"

"Somebody get a rope!"

The verdict was practically unanimous. The "will of the people" drowned out completely the shouts of the prisoners' friends who clamored for freedom for the two men. Judge Steele immediately designated John X. Biedler and Richard Todd to erect a gallows and dig the graves. Stinson and Lyons were taken back to the log jail and the miners' court proceeded to the trial of Charley Forbes.

"Handsome devil" is a trite description, but the only one to apply to Charles Forbes. Tall, clear-eyed, rosy-cheeked, a wealth of golden-brown hair that curled and waved rebelliously over a well-shaped head; slender, graceful — and a cold-blooded, black-hearted, evil-minded demon! His friends claimed that he was a more accurate shot with a pistol than Henry Plummer, and equally swift in drawing and firing. He had the holster of his .44 Navy sewed to his belt so that the weapon hung always in the same place and could be reached without fumbling. His true name, according to N. P. Langford, was Edward Richardson, and the same historian is authority for the statement that Forbes was a well-educated man and that while actively engaged in business as a road-agent followed the side-line of correspondent for

several newspapers in California and Nevada. His criminal career — a trail that was blazed by killings, robberies, and escapes from prison — extended over four states and many hundred miles of territory.

Judge Smith, now maudlinly eloquent, found in Forbes a client more to his fancy. He cited Charley's shout of "Don't shoot!" as the firing on Dillingham had commenced; he produced the revolver, afterwards found to belong to Stinson, which the shrewd Gallagher had reloaded. Its unfired condition, the defense attorney declared, was proof that the actual responsibility for the deputy's death rested upon Stinson and Lyons, the two men who had already been tried and were awaiting execution.

Forbes himself gave able support to his counsel's efforts. He addressed the jury in person, making an impassioned plea for mercy. The miners' courts employed no stenographers. No word of Charley's speech survives, but one can imagine both substance and effect from the assurance of an early chronicler that "his masterly appeal, which was one of the finest efforts of eloquence ever made in the mountains, saved him."

The blood-lust of the crowd was satisfied. Lyons and Stinson were to swing for the crime. Two for one. Why add another? There was scarcely a dissenting voice in the noisy verdict for the handsome devil's acquittal.

Charley, it may be said here, disappeared from view shortly after his trial. Far more intelligent than the majority of his fellow-bandits, he may have seen and correctly interpreted the handwriting on the wall, have

realized that the days of outlaw domination of Montana were numbered, and forthwith quickly departed for new and more distant fields. Many believe, however, that his cleverness in obtaining a separate trial for himself and gaining acquittal while Stinson and Lyons were under sentence of death brought upon him the bitter enmity of the entire gang. He was shot and killed, they say, by Bill "Gad" Moore in a quarrel at a camp the two made on Big Hole River. Moore killed Forbes' horse at the same time and to hide the evidence of the murder burned both man and animal to ashes. The last detail is probably imaginative. There is little record of the outlaws ever taking particular pains to conceal their crimes.

The death sentence passed upon Stinson and Lyons was the first in the short history of Alder Gulch. Dr. Steele gave orders to Biedler and Todd to proceed with their grim task. He himself, with no desire to witness the fate of two young men whose careers might have been vastly different, went to his cabin. Judge Steele's thoughts were evidently similar to those entertained by another terror to evil-doers: "There, but for the grace of God, goes Richard Jeffreys!"

A wagon was brought up to the jail, Lyons and Stinson placed aboard, and the procession started down the steep, rutted street to where the gallows, nooses dangling, stood in the gulch. Silence fell over the crowd that followed the tumbril and over the watchers on the hills. The taking of human life, even in the expiation demanded by society for a brutal crime, is no little thing. The sun was bright and warm, the waters of the creek splashed

cheerily over the stones of its bed; but no man had eyes for the beauties of the mountain June. Tragedy stalked over Alder Gulch — and between tragedy and comedy, pathos and bathos, drama and farce, lies but the thickness of a hair.

The wagon jolted suddenly and noisily over a rock in the road and from Hayes Lyons' throat broke a gasping, tearing sob. A woman, morbidly watching from the hillside, echoed the cry.

"Oh, don't hang the poor young boys! Don't hang them!" she screamed hysterically.

Other women, their nerves at a tension, took up the plea.

"Save them!" they cried. "Save the poor boys' lives!"

A friend of the doomed men leaped on the wheel of the wagon and loudly demanded opportunity to read a farewell letter that Lyons had written to his mother. Biedler, Todd, and the guards, hemmed in on all sides by the hysterical, sympathetic crowd, could do nothing but halt. Slowly, passionately, effectively, the letter was read. It abounded with assurances of a boy's love for his aged mother, with sorrow for a crime into which he had been forced by evil associates, and with glowing pictures of the virtuously repentant life that would be his if only he could be granted another opportunity to go straight and redeem himself in the eyes of his fellow-men.

The word "sob-sister," with all the viciously maudlin sentimentality it implies, was yet to appear in the English language, but the sob-sisters of Virginia City carried

the day. Hayes Lyons had never even seen that letter. Other hands had written it — one suspects the clever and unscrupulous H. P. A. Smith — for use in an eleventh-hour appeal to an easily influenced mob.

"Give him a horse and let him go to his mother!" came the cry.

"A vote! Let's have another vote!"

"All in favor of turnin' 'em loose say 'Aye'!"

A chorus of ayes and noes, about equally divided, was the response. Both sides claimed the victory and some frontier Solomon suggested that all in favor of hanging should walk up the hill towards Virginia City while those opposed to the death penalty should move in the opposite direction. This method of determining public opinion also proved unsatisfactory. Many men — too lazy to walk up hill, not caring to display sympathy with the outlaws by walking down — voted neither one way nor the other. All the while Hayes Lyons wept noisily in the wagon and the women sobbed with him. These women were worthy and respectable wives and mothers. There is no authority whatever for the statement made in a recent volume on bad-men of the West that they were courtesans recruited from the brothels of the town for the sole purpose of creating a disturbance and arousing public sympathy.

As a final expedient in the voting on the fate of Lyons and Stinson four men were selected and two of them posted on either side of the milling, shouting crowd. All in favor of hanging were to walk between one pair of tellers; those demanding acquittal between the other two. The count thus arrived at should be decisive.

The crowd shifted sullenly, bulged forward, and two thin columns of men began filing slowly between the arbiters. The "liberty party" won — overwhelmingly — through the simple method of repeaters marching again and again past the men who counted. Jack Gallagher, as the vote was announced, leaped to the wagon beside the bound men. His pistol gleamed in his hand.

"They're cleared!" he roared. "Let them go!"

And "Let them go!" Let the poor boys go!" shrieked the women.

With quick presence of mind one of the roughs slashed the lariat that picketed a horse belonging to a Blackfoot squaw. Stinson and Lyons leaped to the animal's back, kicked him lustily in the ribs, and galloped away down the gulch. Judge Steele was standing in the doorway of his cabin.

"Goodby, doc!" the liberated murderers shouted to the astonished jurist.

Behind them the crowd rapidly scattered. Dillingham was still unburied and a few men built a coffin and laid the dead deputy away. One, with a gesture of disgust, pointed to the unused gallows.

"There's a monument to disappointed justice!" he exclaimed bitterly.

"The tears of my wife and daughter," said a man named Barton, slowly, "saved those poor boys from being hung."

John X. Biedler turned on the speaker savagely.

"I notice," he snapped, "that they don't seem to have any tears for the man whom those 'poor boys' murdered!"

Biedler was not the only man who was disgusted by the hysterical sentimentality and feminine tears that had contributed so largely to the reversal of the verdict. Some months later the Virginia City schoolmaster, Thomas J. Dimsdale, in writing his account of the Vigilante movement, made the Stinson-Lyons episode an excuse for some cynical masculine philosophy — an expression of the opinion of 1865 that is more than entertaining today.

"We cannot blame the gentle-hearted creatures," wrote the English-born teacher, "but we deprecate the practice of admitting the ladies to such places. They are out of their path. Such sights are unfit for them to behold, and in rough masculine business of every kind women should bear no part. It unsexes them, and it destroys the most lovely part of their character. A woman is a queen in her own home; but we neither want her as a blacksmith, a plough-woman, a soldier, a lawyer, a doctor, nor in any such profession or handicraft. As sisters, mothers, nurses, friends, sweethearts, and wives they are the salt of the earth, the sheet anchor of society, and the humanizing and purifying element in humanity. As such they cannot be too much respected, loved, and protected. But from Bluestockings, Bloomers, and strong-minded shemales generally, 'Good Lord, deliver us!'"

Slowly and sadly Biedler and Todd and their companions piled the earth into the grave of the square deputy. Above, in the canvas and brush saloons of Virginia City, the road-agents uproariously celebrated their victory. They pounded Jack Gallagher on the back and praised him for his presence of mind; they plied the already maudlin "Judge" Smith with liquor until that

worthy trial lawyer collapsed in a stupor; they drank confusion to the miners and mocked the "softness" that had brought about the release of men that had been already condemned.

As the soft morning light stole over the Madison divide it revealed that the cheated gallows was no longer unoccupied. Two dead bear-cubs, pathetic in their human similitude, dangled there. Below, a crudely-lettered sign was nailed to a post:

TWO GRAVES FOR RENT
APPLY TO
X. BIEDLER

CHAPTER VII

"Innocent!"

WITH the death of Dillingham and the farcical termination of the trial of his murderers the lawless element of Montana went hog-wild. They did not organize immediately, but on the principle of every man for himself they swaggered about the bar-rooms and dancehalls of the strung-out towns from Summit to Junction, talked big, threatened more, and by sheer force of bluster and evil repute secured an absolute immunity for themselves.

The miners asked only one thing — to be let alone. They came to the gulch with but one thought in mind: to locate for themselves claims as close as possible to the original "discovery," or to prospect up and down the ravine for new bars that were as rich as Fairweather's first strike. Mucking about in the gravel, building their long-toms, sluices, and rockers, sinking test shafts, panning, prospecting, and exploring, their interest in what might be termed the social development of the community

was curiously apathetic. Even such exciting occurrences as the killing of Dillingham and the Stinson-Lyons-Forbes trial were but casual events — a moment of interest interrupting days of unceasing toil.

One can glean this attitude from the pitifully fragmentary records of the time. On June 30, 1863, James Henry Morley noted in his diary: "Heard two men were to be hung. In the evening met the two men. One of them was Hayes Lyons." That is all. No mention of the murder, the trial, nor of the acquittal that followed conviction.

As yet the gravel of Alder Gulch had not begun to yield its riches. Few shipments were being made and although the stage line from Virginia City to Rattlesnake, Bannack, and on to Salt Lake City had been placed in operation there was as yet little gold going out with the travelers.

By the latter part of the summer this situation was changed. The Fairweather diggings had proved the richest placer beds yet discovered in the Northwest Territory. The bars were yielding their thousands and tens of thousands. Many men had made their piles, sold their claims, and were returning East with the fortunes they had come West to seek. Other fortunes were entrusted to the stage companies for transportation to the safety of Salt Lake City banks under the armed guardianship of the "shotgun messengers" that rode on every vehicle. Business prospects for the road-agents appeared excellent, the value of organization was obvious to them all; and at this moment Henry Plummer, Sheriff of Bannack, threw aside the garments of respectability that fitted him

so poorly and definitely cast his lot with that of the Wild Bunch.

They were but little more than boys in years — these men who were to go down in Montana history as the "Plummer Gang" — and could one lose sight of the purpose for which they organized there would be intense humor in the boyish ingenuousness behind the ritual and symbolism with which they surrounded themselves. Even the older men — toughened veterans of crime like Boone Helm and Dutch John Wagner and Cyrus Skinner — became infected with the enthusiasm and willingly complied with the elaborate rules and regulations.

How this organization of the roughs started no one can tell. Perhaps in a meeting — accidental or prearranged — at Pete Daley's ranch, saloon, and road-house in the Passamari valley above Wisconsin Creek. To this day the old house with its straggling out-buildings and corrals is known as "Robbers' Roost." Nor do we know who were the prime movers, the original organizers. Henry Plummer, certainly; and in all probability the three crooked deputies he had appointed — the unscrupulous, desperate, Ray, Gallagher, and Stinson. Possibly the malignant Cyrus Skinner was there, with advice and suggestions that were fruit of a lifetime of evil; and in the various signs of recognition, the passwords and oaths, there may be traced the boyish enthusiasm of Billy Bunton.

The organization of the bandits is more reminiscent of a preparatory-school fraternity or of Fontaine Fox's "Little Scorpions Club" than of a gang of desperadoes,

thieves, and utterly callous, cold-blooded murderers. They promptly adopted a password — "Innocents" or "I am innocent" — and in their casual conversation referred to themselves as "The Innocents." Each member subscribed to an oath of secrecy and fidelity the penalties for the violation of which were as drastic as those governing the "Secret Order of the Brothers of Cold Blood." They wore neckerchiefs, tied about the throat in a sailor's knot. For years the flat knot from which the diagonally opposite corners of the scarf protruded was known in Montana and Eastern Idaho as the "road-agents' knot" or the "road-agents' tie."

The 'sixties was an age of whiskers. Years were to pass before the invention of the safety razor was to reveal the outline of the American jaw. Boys scarcely out of their teens were bearded and mustached like the elders of Israel. And the "Innocents," as an additional means of identification, decided to wear mustache and chin-whiskers of the style made famous by "Buffalo Bill" Cody. Not all of them adhered to this regulation. Plummer wore only a mustache, light in color and closely clipped, George Ives was clean-shaven, but Ned Ray affected the mustache and goatee, as did nearly all the other members of the band.

Naturally, they elected officers. Plummer was "chief." No one else was even considered for that important post. Billy Bunton, the Vigilantes always understood, was second in command, but indications are that Plummer placed far more confidence in the sinister trio composed of Ray, Stinson, and Ives. Jack Gallagher, the deputy

placed in Virginia City, was also high in the chief's esteem. George W. Brown was corresponding secretary, but the extent of his secretarial duties is unknown and his correspondence, if any, is forever lost.

During the period when they sat on the world the Innocents counted more than fifty men in active membership on their rolls. The names of the majority of these have survived and might be worthy of listing:

Henry Plummer
George Ives
Erastus Yeager, or Yager — "Red"
George W. Brown
George Lane — "Clubfoot George"
Frank Parrish, or Parish
Hayes Lyons
Jack Gallagher
Robert Zachary
George Shears
William Hunter
Charley Forbes
John Franck — "Long John"
William Graves — "Whiskey Bill"
Henry Buckner
Ed French (connection doubtful)
David (?) Howard — "Doc"
William Moore — "Gad"
John Gibbons

Ned Ray
Buck Stinson
John Wagner — "Dutch John"
Joe Pizanthia[1]
William Terwilliger

Boone Helm
Stephen Marshland
William Bunton
Samuel Bunton
Cyrus Skinner
Alexander Carter
John Cooper
William Reeves
George Hilderman

—— Crowell — "Old Tex"
George Carrhart

Christopher Lowry
James Romaine
Harvey Meade

[1] Possibly Pizanthia can be identified with "Mexican Frank." This name was on the original list of the members of the Innocents as given to the Vigilantes by "Red" Yeager, but no record other than this of the individual so designated can be found.

There were others in the band, but their names, together with the record of their deeds, have disappeared. Thirty-eight names appear on the above list, and of those thirty-eight men all but ten died violent deaths! The fate of the others is unknown. They left the country, some of them with startling suddenness, before the reform wave of the Vigilante movement.

Like a wise general Plummer made immediate disposition of his forces. George Lane — " Clubfoot George " — was sent to Virginia City. Posing as a shoemaker he obtained space for his bench in the general store that was opened by W. B. Dance and Granville Stuart. Here he was in a position to keep in close touch with the affairs of the town, and to learn of shipments of treasure, of the departure of men worth robbing, and other details. Others who were more or less permanently stationed in Alder Gulch included Jack Gallagher (as deputy sheriff), George Ives, Stephen Marshland, John Wagner, Alexander Carter, Whiskey Bill Graves, and Boone Helm. Ned Ray's job was in Bannack, acting sheriff when Plummer was absent. To the members of the gang he was " council-room keeper."

Sam Bunton was banished by Plummer himself. He was a confirmed drunkard and the others feared his wagging tongue. He was killed in a fight in Salt Lake City a year or so later. To his more trustworthy brother William the " chief " intrusted the important task of keeping the stage station at Rattlesnake Ranch. Billy Bunton was known throughout the region as an able hand with horses and easily obtained the job of handling the team changes

made at Rattlesnake Creek by the coaches plying between Bannack and Virginia City. Cyrus Skinner, like Lane, acted as a spy. His saloon served as a clearing-house for stolen property and he frequently rode with his colleagues on their various expeditions.

In time a truly remarkable espionage and intelligence system was developed. No miner along Alder Creek or in the other gulches of the Tobacco Root Mountains made a rich strike but that Plummer and the other bandit leaders were informed and the question of robbing the lucky prospector calmly discussed in the "council-rooms" of Bannack and Virginia City. George Lane and his fellow spies watched the stages that set out from Alder Gulch for Bannack or over the Salt Lake trail and any coach worth robbing was marked with one of a series of symbols intelligible to the bandits, informing the "roadsters" of the value of the treasure carried.

The stage was set, the organization completed, and the Innocents waited for the word to go. For a time they were compelled to be content with very small pickings — nor did they scorn the most trivial jobs of purse-lifting. No record was ever kept of their crimes but from this source and that we learn of a dozen or more holdups where men were relieved of sums as small as four or five dollars. With the arrival of Autumn, however, came the opportunity for larger game.

Peabody & Caldwell's coach started from Virginia City to Bannack with William Rumsey, a substitute driver, handling the reins. Three passengers — their names were Matteson, Percival, and Wilkinson — rode in the vehicle

and a fourth man joined them at Cottonwood Ranch, Robert Dempsey's place on the west bank of the Passamari. This last traveler was Daniel McFadden, discoverer of "Bummer Dan's bar" in Alder Gulch, and it was for him that the Innocents were waiting. Dan had some two thousand dollars in gold-dust stowed away in buckskin sacks about his person — a weighty burden of which George Ives and Frank Parrish were determined to relieve him. Dan climbed aboard as the horses were being changed at Dempsey's and the heavy vehicle, already several hours behind its schedule, lumbered on to the ranch and relay station managed by Bill Bunton on Rattlesnake Creek. They laid over here for the night, Bunton telling them that all the horses had been turned out as he had not expected the coach.

The unexpected delay was not a hardship. The genial Billy's bar was well stocked and Tom & Jerry followed Old Crow and Valley Tan until it was bed-time. In the morning the wrangler that Bunton sent out could not find the fresh horses and the stage proceeded with the weary animals that had been used the day before. Bob Zachary, already suspected of being an outlaw, arrived just prior to the departure and Wilkinson left the coach to ride to Bannack on a spare saddle-horse that the bandit was leading. Bunton volunteered to ride to the Grasshopper diggings on the stage and swing the whip for Rumsey, who admitted that his arm was stiff and sore from the unaccustomed exercise of the previous day.

Matteson, Percival, and "Bummer Dan" McFadden climbed inside the stage as Bunton mounted to the box

beside Rumsey and they moved off, crossing the flat below the ranch-house and pitching down the steep bank to the ford of Rattlesnake Creek. It was a cold day with a threat of snow in the air and the three men inside were glad to pull down the leather curtains and wrap closely in their long buffalo coats. Bunton soon began to feel the cold — or claimed he did — and as the stage started through the gulch beyond the creek he climbed down and got inside, seating himself beside McFadden. Rumsey was alone on the box when, scarcely five minutes later, two horsemen crashed through the underbrush along the roadside in front of the stage. The pair were masked and their identity further concealed by blankets that were wrapped Indian-fashion about their bodies. A double-barrelled shotgun was across each man's arm.

"Road-agents, boys! Get your guns!" roared Rumsey.

The four men instantly peered out between the curtains as the robbers galloped alongside the stage. Matteson fumbled for the revolver that was buckled about his waist, but before he could reach the weapon beneath his buffalo coat and outer clothing he was staring into the muzzles of a shotgun.

"Stick up your hands!"

The road-agents spoke with an assumed and exaggerated German accent, but their guns interpreted and punctuated the sentence. Bunton kicked open the door of the stage and leaped out into the road, his hands high above his head.

"Don't shoot! For God's sake don't shoot!" he implored. "You can have anything I've got!"

The other men followed more deliberately and one of the highwaymen jerked his gun to cover Rumsey.

"You get down too," he commanded, "and take the guns off these sons of biscuits!"

"You must think I'm a damn fool," the substitute driver retorted bravely. "I won't get down and let this team run away."

"I'll hold 'em! I'll hold 'em!" shrieked Bunton, grasping his coat by the lapels and holding it wide to show the robbers that he was unarmed.

One of the road-agents ordered him to stand at the horses' heads and then directed the driver to come down from the box. Rumsey wrapped the reins about the long brake-arm and clambered to the ground and was profanely instructed to remove all weapons from Matteson, Dan McFadden, and Percival, who stood, arms above their heads, beside the stage. The last named man was unarmed, but the driver was forced to relieve Matteson and Dan of a total of three long-barrelled Navies.

He was then compelled to search the three passengers for the money they were carrying. Bummer Dan contributed two purses, Percival a sack of gold-dust, and Matteson a purse and some bills. Bunton, from where he stood holding the horses, threw his purse to the robbers.

"There's all I've got," he shouted; "a hundred and twenty dollars. Take it all, only don't kill me!"

Rumsey, disgusted but helpless, started to climb back on the stage, but was halted by a shout from one of the road-agents.

"Where th' hell do you think you're goin'?"

"Back on the coach," growled Rumsey. "What's the matter with you? You've got all there is in the crowd."

The bandit's retort indicated the accuracy of his knowledge and the perfection of the Innocents' espionage system.

"Oh, no, we haven't! Go back there and get that big sack." He pointed to Bummer Dan and addressed his next remark to the unfortunate miner. "You're the man we're after. Get that strap off your shoulder, you damned Irish son of a biscuit!"

Poor Dan! Beneath his shirt he had two buckskin sacks of gold-dust suspended by a leather strap across his shoulders. Rumsey tried his best to save one of them for him but the road-agent knew exactly what was there and where the sacks were hidden. Beneath the compelling muzzles of the shotguns the driver could do nothing but add the additional treasure to the piles of loot already on the ground.

"Now get aboard and drive on," was the command, "and if we ever hear a word out of you about this business we'll kill you surer than hell!"

This robbery of the Peabody & Caldwell coach was the first major exploit of the Plummer gang. It was also the most lucrative of which any definite record can be discovered. Gold-dust and currency to the value of $2,800 were left in the robbers' hands. George Ives and Frank Parrish made the stick-up and, quite obviously, Bunton was in league with his friends. Both McFadden and Percival recognized the pair behind their masks but so

greatly did they fear the swift retribution that would follow revelation that neither they nor Matteson, to whom they confirmed their identification of Ives and Parrish, mentioned the matter to a soul until after the two criminals had been rendered harmless by the infallible method of the Vigilantes.

Leroy Southmayde, a business man of Virginia City, was another who recognized the road-agents who held up the stage on which he was riding. The vehicle was one of the A. J. Oliver & Co. stages and pulled out of Virginia City, Bannack bound, on November 22, 1863. Southmayde and a Captain Moore were the only paying passengers. A discharged driver, known only as "Billy," was riding deadhead.

"Old Tex" Crowell watched the stage narrowly as it departed and Southmayde, knowing Tex to be one of the outlaws, became suspicious. His suspicions were intensified when he saw the same bandit at the Cold Spring Ranch, twenty miles from Virginia City, where a change of horses was made. Tex had ridden across country and headed the stage. When Southmayde saw him at Cold Spring he was in close confidential talk with George Ives and Steve Marshland.

The passengers spent the night at Point of Rocks and shortly after daylight were again on their way to Bannack. About eleven o'clock the stage was pulling slowly up a steep grade west of Stone's Ranch when three men who had been riding quietly ahead suddenly wheeled their horses and, with their shotguns ready, galloped back towards the coach.

"ROBBERS' ROOST" — A RENDEZVOUS OF THE PLUMMER GANG

The double-barrelled shotgun, incidentally, was the favorite weapon of the Montana desperado. None of them considered himself ready for the road unless a shotgun, preferably a ten-gauge, was slung across the pommel of his saddle. As additional armament each man carried a pair of Navy revolvers and a long-bladed knife of the pattern made famous by Colonel James Bowie who had died nearly thirty years earlier in the old Alamo mission with one of these weapons in his hand and a pile of Mexican dead about him. Very frequently a derringer — or a brace of these snub-nosed weapons — nestled in the bandit's vest pockets. The shotguns were, of course, muzzle-loading and with percussion locks and the revolvers were of the cap-and-ball variety of either .36 or .44 caliber. Samuel Colt had not yet produced his famous "Frontier" pacifier, using metallic center-fire cartridges. The derringer was first made by a Philadelphia gunsmith, Joseph Deringer. In some unexplained fashion an additional "r" crept into the name as it came into use as a common noun. These short, single-shot pistols, almost invariably of .41 caliber, were terribly effective at close range. The shotgun used by Henry Plummer is in the collection at the state capitol museum in Helena.

Although the three road-agents that held up the Salt Lake mail made ludicrous efforts to disguise themselves Southmayde immediately recognized George Ives, "Whiskey Bill" Graves, and Bob Zachary. Each man had a green and blue blanket covering his body and a similar blanket was draped over the horses from ears to tail. Whiskey Bill was sporting a silk hat, "the antitype,"

says Dimsdale, "of the muff on a soup-plate usually worn in the East," and he and his companions were masked.

Ives barked out the stereotyped command to "Throw up your hands!" and he and Graves, one on either side of the coach, covered driver and passengers while Zachary climbed over the wheel of the vehicle and took up the collection. Evidently fearing his disguise would be penetrated, Zachary ordered Southmayde to close his eyes while he was being searched.

The proceeds were about $600, which Ives pocketed and then ordered the party to "get up and skedaddle" — adding the usual warning against promiscuous talking about the robbery. Sheriff Plummer was standing in front of the stage station in Bannack as the delayed coach drove up and the passengers dismounted.

"Was the stage robbed today?" he asked.

Southmayde answered in the affirmative but before he could speak further was drawn to one side by Dr. G. G. Bissell, the "judge" of Virginia City, who was one of the first to suspect Plummer of complicity in the holdups.

"Be careful what you tell that man," he whispered swiftly, nodding towards Plummer. Southmayde winked to indicate his comprehension and rejoined the sheriff who had not noticed the brief interruption.

"I think I can tell you who it was that robbed you," the chief of the Innocents observed.

"Who?" asked Southmayde quickly.

"Well, George Ives was one of them."

"That's right," blurted the victim, "and the other two were Bob Zachary and Bill Graves. I'll live to see them hanged in three weeks!"

Plummer strode away without another word and Dr. Bissell, who had overheard the entire conversation, gripped Southmayde's arm.

"My God, Leroy," he exclaimed, "your life's not worth a cent now!"

The sheriff avoided Southmayde during the three days he spent in Bannack, but the robbed man was closely watched by the outlaws. Buck Stinson and Ned Ray came into the stage office and bought tickets to Virginia City by the same stage on which Southmayde had booked passage. The agent immediately informed the other man of this coincidence.

"Don't go, Leroy, for God's sake," he said, "you'll be killed sure!"

"I've got to go!" said Southmayde grimly. "Let me have a shotgun and I'll take my chances with the road-agents."

Oliver's agent did not do things by halves. He promptly issued sawed-off, double-barrelled ten-bores to Southmayde, to Tom Caldwell, the driver, and to a boy of sixteen who was the only other passenger. Caldwell and Southmayde rode together, one driving while the other kept his eye — and his shotgun — on Stinson and Ray. The boy, carefully instructed in his duties by the older men, sat on the rear seat, a shotgun across his knees, and kept the two bandits covered from that side.

At the Cold Spring Station, where a stop was made for the evening meal, Bob Zachary, Bill Graves, and Aleck Carter — armed to the teeth — joined Stinson and Ray. Neither Southmayde nor Tom Caldwell figured their

chances worth more than half as much as nothing at all, but they maintained a stout front and refused to permit themselves to be drawn into a quarrel which Zachary, feigning drunkenness, tried to start.

The three bandits rode ahead of the coach when the party resumed the journey and Caldwell, after talking the situation over with Southmayde, took Buck Stinson on the box with him. The revised seating arrangement, with Southmayde in the body of the coach covering Ray, did not suit the outlaws' plans and Stinson voiced his objections.

"I don't care if you like it or not," Caldwell told him. "You're an old stage-driver and I want you up here with me!"

Stinson took one look at the steady-eyed Southmayde and meekly climbed up on the box and took the reins. Neither Caldwell nor Southmayde expected to reach Alder Gulch alive but they were determined, if killed, to take a few others with them.

Scarcely half a mile from the Cold Spring station Zachary, Graves, and Carter, who had been riding in advance of the stage, wheeled their horses and cantered back through the gathering dusk.

"Halt!" shouted Zachary.

As the command left the outlaw's lips Caldwell's gun leaped to his shoulder to cover Carter. From within the coach Southmayde brought his weapon to bear on Zachary and Graves while the boy, at his seat-mate's command, menaced Ray. One cannot help liking that boy. He was only sixteen but he took a man's part. We

can pardon Dimsdale his tactful veiling of the identity of the individual members of the Vigilante organization; we can even excuse his rank carelessness in matters of dates and geographical locations, but why, oh! why, could he not have told us the name of that lad who sat for seventy-five miles in a rocking stage with two of the worst bad-men in Montana in front of him and whose menacing gun and steady fingers on the triggers bluffed Ned Ray to a standstill! The entire Southmayde-Caldwell incident is but a minor one in the history of the Vigilante days, important only as it shows the recklessness of the desperadoes and their apparent security from molestation, but its hero is that sixteen-year-old youth whose name and identity is lost in the more stirring events of the weeks that followed.

The light was failing but there was ample illumination for Zachary, Carter, and Whiskey Bill to see the shining muzzles trained so steadily on them.

"Shoot and be damned, if you feel like it!" bellowed Carter. "We only rode back to ask you to have a drink!"

Defying the guns, but making no overt move, he rode alongside the coach and passed a flat bottle over the wheel. Southmayde and Caldwell barely touched their lips to the flask. Until he saw Stinson and Ray drinking heartily the driver was convinced the liquor was poisoned.

"Keep it if you want it, fellows," said Carter generously. "We can get plenty more at Pete Daley's. Come on, boys!"

He and his companions clapped spurs to their horses

and raced away. Caldwell slowly lowered his gun and grimly bade Stinson drive on.

The unceasing vigilance of the two men and the boy finally broke the desperadoes. There is a decided strain upon the nerves in riding for seventy-five miles facing a loaded ten-gauge and knowing all the time that the man who grips it so tensely is not only ready and willing to shoot, but really anxious to do so. At Laurin's ranch, a few miles from Virginia City, Stinson came up to Southmayde and Caldwell as the two conferred. The horses were being changed for the final stage of the journey to Alder Gulch.

"You two seem to think you're going to be held up," he said. "There's not the slightest danger."

"Maybe, and again maybe not!" retorted Caldwell. "The only thing I do know is that if we are stuck up somebody's sure going to have a good chance to dodge a couple of quarts of buckshot. They may get us, but it's a cinch we'll take two or three of them along with us to Glory!"

Stinson swept off his flat-crowned hat and bowed gracefully.

"Gentlemen," he said solemnly, "I pledge you my word, my honor, and my life that you will not be harmed between here and Virginia City!"

Southmayde and Caldwell were not particularly impressed by this assuring information from Plummer's deputy and kept their weapons ready as they climbed back into the coach. For the entire distance from Laurin's to Virginia City neither Stinson nor Ray were

silent for an instant. First one and then the other, they sang loudly for every yard of the way — a signal, the other two men were convinced, to their confederates not to attack. Finally the horses plodded over the hill — the old road ran to the north of the present highway that follows the gulch through the town — and clattered down the grade into the straggling settlement. Stinson and Ray, with no word of farewell, swung over the wheel and strode away into the darkness. Southmayde and Caldwell watched them depart and the driver jerked his thumb to indicate the lighted doorway of Morier's saloon.

"Let's have a drink, Leroy. By God, we've earned it!"

CHAPTER VIII

The Man Who Stuck To It

EARLY in October, 1863, Plummer rode over to Virginia City from Bannack and was eagerly welcomed by the Innocents' spy, "Clubfoot George" Lane.

"Lloyd Magruder's going back to Lewiston," whispered Lane hoarsely as the sheriff leaned against the counter in Dance & Stuart's store. The "chief's" expression did not change.

"How heavy is he loaded?"

"Plenty. He's sold everything he brought over with him and will be packin' a thousand ounces or better. Doc Howard and Chris Lowry have been workin' for him. They want to see you."

"Good enough. Pass the word to them that I want to see them, too. I'll be at 'The Shades.'"

The dapper sheriff strolled casually out of the building, dropped in for a drink and to pass the time of day with his friends about the bar of the Virginia Hotel, watched the games at "Number 10" for a few minutes, and so,

by easy stages, reached the resort he had mentioned. Here "Doc" Howard and Chris Lowry joined him. They were accompanied by a third man, also known to Plummer, Jim Romaine.

"He's in on this," was Lowry's significant introduction.

Behind the doors of the gambling and dance hall Plummer was no longer the sheriff of Bannack. The suave good-fellowship was cast aside like an unnecessary and irritating garment. He became the cold, shrewd, utterly remorseless "chief" of the "Innocents." He knew all three of the men who faced him, their weaknesses and their capabilities. They had been in California, had acquired prison records there, and had then drifted north and east to Walla Walla and thence to the Oro Fino diggings and across the mountains to Bannack and Virginia City. In swift sentences they told their story.

Magruder had come from Elk City to Bannack with a large store of merchandise. Finding the town on Grasshopper Creek almost deserted he had followed the rush to Alder Gulch and opened a store in Virginia City. He had prospered beyond his most sanguine expectations. Clothing, food-stuffs, tools and utensils — everything he brought with him had been in great demand and every single item had been sold. His shelves were empty, but in carefully hidden buckskin sacks were fifteen hundred ounces of yellow gold-dust in addition to more than two thousand dollars in bills — the depreciated, undesired Union greenbacks.

Magruder was no fool. He knew that his wealth would put every road-agent in the country on his track and that

there was not a mile of the distance between the Stinking Water and his home in Lewiston that he would not be in danger. To deceive the desperadoes he wrote his wife and told her that he would not leave Virginia City until two weeks later, on October 20th. At the same time he planned an immediate departure. As an additional precaution he determined to travel with a party so large and so well armed that bandits would hesitate before making an attack. As guards, and to help with the mules and horses he was driving back to Idaho, he employed the three men who had been working for him since his arrival in Montana, men of whose reputation he knew nothing, Lowry, Howard, and Romaine.

"There's another fellow," Howard told Plummer. "Name of Bill Page. He's been workin' for Magruder, too. Teamster. I know him and he'll fall in line all right."

"Who else?" asked the chief. "Nobody except you three and Magruder and Page?"

Howard shook his head.

"No such luck. There's three — no, four more. Charley Allen is one. You know him, don't you? He's been mining here in the gulch all summer and has struck it pretty good. Then there's two young fellows named Chalmers, Horace and Robert Chalmers. They just got here a week or so ago from Missouri. Old Bill Phillips is with them. Four more altogether."

The chief puffed thoughtfully at the cigar Bob Hereford had given him a few minutes before.

"Four to five, eh? And you ain't any too sure about

this Page. Better play it safe and take a couple more fellows with you."

"I've been talkin' to Bob Zachary," said Howard, "but he don't want to be in on it."

"How about Steve Marshland," suggested Plummer. "Steve's a good man and I can spare him right now better than I can Bob. Put it up to him."

Howard and Romaine obediently sought out Marshland and found him with Cyrus Skinner. The plot was unfolded to him, Howard detailing his plan to guide the party into some lonely canyon of the Bitter Roots and there kill them all. Marshland shook his head decisively.

"That's going too strong!" he said positively. "I'm on the rob, all right, but I'm not on the kill. There's plenty of easy money to be picked up right around here without riding clear out in the Bitter Roots and killing five men!"

Skinner laughed heartily at such ridiculous squeamishness. He derided Marshland for being so chicken-hearted but the other could not be influenced. Howard reported back to Plummer and told him of Steve's refusal, assuring him at the same time that he, Romaine, and Lowry could manage the affair.

"Page hasn't got the guts of a louse," he said, "but he'll keep his mouth shut. If he doesn't he'll find somebody will shut it for him — for keeps. We won't say a word to him until just before we turn the trick."

The caravan was one of the largest that had departed from Virginia in the course of the town's short history. Nine well-mounted men followed and rode herd on the

pack-horses and spare riding animals and a number of mules that Magruder had acquired in the course of business and which he was driving back, unburdened, to sell in Idaho. There were men in the mining camp who watched the cavalcade depart and shook their heads doubtfully. They knew the true character of the hard-bitten guards that drove the pack-beasts or dashed here and there to head the errant, excited mules. Rumors of the loose talk of the desperadoes had reached many ears, but so great was the public's fear of the bandits that no man had the courage to warn Lloyd Magruder.

North and south along the boundary line between Idaho and Montana runs the mighty escarpment of the Bitter Roots, peak after ten-thousand-foot peak thrusting jagged rocky fingers into the clear mountain air. The range is a wild, impenetrable tangle of peak, cañon, precipice, gorge, cliff, and snow-covered slope; majestic, lonely, and terrible. For nearly all of its course it forms the Continental Divide, opposing a most formidable barrier to overland travel. Passes can be found at only a few widely separated points, and even these are closed for many months of the year by the snow that settles upon the mountains in the fall and does not leave the dark defiles until June.

Magruder was anxious to cross the ranges before the snow barred the path and the unwieldy caravan pushed on as rapidly as was possible. Six days after leaving Virginia City they were camped in an open valley on the eastern slope of the divide. Long, rich, mountain grasses promised ample feed for their stock and a brimming

ice-cold stream coursed down through the pines from the peaks above. A beautiful spot, but the calculating Howard was not interested in scenery. He looked about him with intense satisfaction. This place in Lolo Pass suited him as a location for the night's camp — and for other purposes. He made his plans swiftly and told Romaine and Lowry of his intentions. Page was the weakest link in his chain and the leader ranged his mule alongside that ridden by the teamster. He wasted no time in approaching his subject.

"There's nearly two thousand ounces of dust in those packs, Bill," he said. "We're going to have it. We're going to kill the whole damned outfit tonight. Plummer thinks we're workin' this game for him and that he's goin' to cut in on it but he's makin' a big mistake. We talked it over and we're goin' to break for the coast. We've counted you in for a quarter share — but if you open your mouth to Magruder we'll give you a dose of the same medicine he's going to get and sling you down a cañon!"

Howard had correctly appraised the other man. A weakling, a petty thief, but not a killer, Page could not summon the high courage necessary to warn Magruder and the other men. He drove the *remuda* out to pasture, came back to camp for supper, and as soon as the meal was over took his bed and spread it some yards from the fire. Shortly afterwards the miner, Charley Allen, laid his own blankets beside those of Page's. The two brothers, Horace and Robert Chalmers, were sleeping about the same distance from the fire on the opposite side. The other men — Magruder, the three conspirators, and Phillips — remained about the blaze, smoking and talking.

"It's getting along towards ten o'clock," Magruder remarked. "I'll take a walk and make sure the mules aren't straying. We don't want to lose time hunting for them tomorrow. Once we get through the pass we'll have clear going all the way to Lewiston."

Lowry, seated beside him, rose and stretched lazily.

"I'll go with you," he volunteered, "and bring in a little wood."

Magruder leaned forward and lit his pipe from the fire. Lowry had picked up the axe and as the unsuspecting man puffed his tobacco alight the other swung the axe aloft and brought the blade crashing down through Magruder's skull. Old Phillips sprang to his feet with an oath but Romaine was too quick for him. His long Bowie knife was out of its sheath before Phillips had moved and he stabbed the pioneer through the breast.

"I told you down at Virginia not to come on this trip," he exclaimed.

Howard wrenched the axe from Lowry's hands, leaped over Magruder's body, and with two blows dispatched Horace and Robert Chalmers as they lay in their blankets. Some noise, possibly Romaine's half shout as he stabbed Phillips, roused the miner, Charley Allen. He sat up in his bed, peering through the darkness that lay beyond the campfire. He never learned what had happened. The desperate Howard had dropped the axe and seized a double-barrelled shotgun of Magruder's that was leaning against a tree. A half-dozen swift strides, his moccasined feet making no sound on the soft turf, brought him to Allen's side. With the muzzle of the gun

less than six inches from the man's head he pressed both triggers. Allen, his skull shattered by the buckshot, pitched forward without a sound.

The bloody work was over. The fire still glowed through the darkness, the wind sang softly in the pines. From the meadow where the stock grazed came the musical jangle of a bell. The miserable, frightened Page crept out of the blankets where he had cowered during the wholesale slaughter. Lowry greeted him cheerily.

"She went off without a hitch!" he exclaimed with a grin of satisfaction.

Howard and Romaine threw fresh wood on the fire. As the flames leaped up they glowed redly on a white snowflake drifting lazily through the air, the first symbol of the winter storms that would close the pass until spring. Steadily through the night the snow continued and as it snowed the four men worked to remove all traces of their crime. The dead men were carried over a ridge several hundred yards to the north and from its summit were thrown into a deep, sheer-walled cañon. Their equipment followed them, all that could be burned being placed in the fire and the ashes collected in blankets and sacks and hurled into the gorge.

At the first sign of dawn the *remuda* was driven up. Three of the best riding-mules and four pack-animals were picketed to trees. Doc Howard selected for himself a sorrel horse that had belonged to the dead Magruder. The animal had a fair turn of speed and Doc was partial to fast horses. All of the remaining beasts were driven into a cañon remote from the trail and there shot.

The snow drifted softly and steadily through the pines and when the four guilty men mounted and turned their animals toward the crest of the pass a white blanket lay a foot deep over the scene of the murders.

" It couldn't be better, boys," announced Howard as he gathered up his reins. " Nobody'll come through here till spring now and by that time there won't be a sign of what happened here. So long as the four of us keep our mouths shut everything's safe! "

The weather upon which Howard had relied to conceal their crime proved their worst enemy. Magruder had been well known in Elk City and the four made a wide circuit about that hamlet in case some of the slain merchant's friends had learned that he had left Virginia City in their company and became suspicious when they appeared without him. For similar reasons they desired to avoid Lewiston, but here Fate took a hand. Storms raged about them; mountain streams, gorged by snow but not yet frozen, became torrents that could not be forded. Finally they found themselves facing starvation with Lewiston as the only point where they could replenish their provisions. They left their animals with a rancher some distance from the settlement and after nightfall slipped quietly into the town.

Lowry knew the region well and it was his suggestion that they steal a boat and float down the Snake River until they were safe from recognition by Magruder's Lewiston friends and could reach a point where they could get a Columbia River steamer for Portland. They found no difficulty in appropriating an unlocked boat but

soon learned that the Snake, like its tributaries, was also in flood and presented insurmountable obstacles to a night voyage by inexperienced navigators. The possession of so much gold added to their fears. Prosperity brings timidity and each man was convinced that their craft would overturn at the next toss of the rushing black waters and that the proceeds of the quintuple murder would go to the bottom. They rowed, inexpertly, back to the shore, tied the skiff, and after a short conference sought the office of the stage-coach line.

Here another unexpected check awaited them. The coach did not leave until morning and the clerk informed them that no tickets were sold. If they would leave their names, he said, they would be entered on the waybill and passage money could be paid before departure.

Hill Beachy, deputy marshal of Lewiston and proprietor of the Luna House, happened to be in the stage office. The four killers wore the collars of their coats turned up about their faces, their broad-brimmed hats pulled low over their eyes, and Beachy became suspicious. When the clerk asked for names Howard hesitated. He and his companions were known in Lewiston. He dared not give their correct names and, in his quandary, possessed no more originality than to direct that he and the other three be enrolled as Jones and Smith — John and Joseph Smith, Thomas and James Jones.

So many Joneses and Smiths added to Beachy's suspicions and he followed the quartette to the Luna House where they registered. Peering through the windows of the rooms that were allotted them he recognized Howard,

Lowry, and Romaine as three worthless rascals that had been around Lewiston the year before. He knew that they had been with Magruder in Bannack and Virginia City, knew too that the merchant was on his way home, and became convinced that his friend had met with foul play. He said afterwards that the certainty came over him with the suddenness of a lightning flash. Lacking anything more definite than these suspicions, however, he could do nothing to detain the four men when they boarded the stage for Walla Walla the following morning.

Hill Beachy was a man of one idea. He followed his "hunch." He was positive that the four men whom he had watched depart on the stage had killed Lloyd Magruder and he had no hesitation about expressing his conviction. His fellow-townsmen told him he was crazy; his wife reminded him of the letter the merchant had written, citing it as proof that he would be along within a few days. When at last a man did reach Lewiston from Virginia City and told of Magruder's departure in company of Howard, Lowry, Romaine, and Page, the guilty quartette had obtained a long start.

Beachy possessed the patience so necessary in a good detective. He followed every clue, no matter how slight, to its end. If it failed he refused to permit himself to become discouraged and cast about for another. Eventually Magruder's horse was discovered at the ranch where Howard had left it. The traveler who had arrived from Alder Gulch, a man named Goodrich, identified the animal as the one Magruder had ridden when he left and an Indian boy who had worked for the murdered man

recognized the saddle as having belonged to his employer. With this evidence Beachy succeeded in convincing the authorities of the correctness of his suspicions. He was given requisitions upon the governors of Washington, Oregon, and California for the return of the guilty men and forthwith set out upon the cold trail.

"I'm not a praying man," he said afterwards, "but the night before I left I just kneeled down and asked the Master to help me catch those fellows. I told Him that if He would help me this once I'd never ask Him for another favor as long as I lived — *and I never have!*"

The little burly, bearded man — Hill Beachy bore a remarkable resemblance to General U. S. Grant — was a relentless bloodhound when it came to following a trail. From Lewiston to Walla Walla, to The Dalles, and thence to Portland he journeyed. There he discovered that his quarry had gone on to San Francisco by boat and he set out overland by stage and saddle to reach the California city before them.

The four men had not hurried particularly. They were confident that suspicion was not directed towards them, they had plenty of banknotes and gold-dust, and the gambling tables and the girls of the honky-tonks did not ask whence their funds had come. To all whom they encountered they told essentially the same story: that they had made a good stake in the Boise Basin through the sale of water for mining purposes from a ditch they controlled. A dispute had arisen, a couple of men had been shot, and they had taken their profits and departed. They were bound, they said, for San Francisco and from there by sea to the eastern states.

Northern California at that time was an almost trackless wilderness. Beachy had been accompanied from Lewiston by Thomas R. Farrell, a man as faithful to Beachy as was Hill to his purpose, and the two fought their way on through storms, over narrow trails, and along what were, by courtesy, called roads, being slightly less nearly impassable than the rocky, timbered mountains on either side. On his arrival at Yreka, Beachy telegraphed the police authorities in San Francisco. The four were under arrest when their pursuer reached the coast metropolis. After every possible legal obstacle had been placed in his path, Beachy finally obtained recognition of his extradition papers and he and Farrell started back for Idaho with their prisoners. Arrangements were made for a military guard to meet them when the steamer from San Francisco docked at the mouth of the Columbia River.

Once the vessel had cleared the Golden Gate escape of the guilty men was impossible. Farrell and Beachy shared a stateroom adjoining that occupied by the prisoners and throughout the voyage one or the other of the two officers listened at a hole bored in the partition for some remarks that would confirm the guilt of the four. Little was learned that was of particular legal value and Beachy determined upon some other course.

All evidence in his possession was purely circumstantial and the state could not hope to present a convincing case unless one of the murderers could be persuaded — or frightened -- into making a confession. Beachy studied the four men and immediately came to the conclusion

that Page was the weakest. When he finally arrived at Lewiston with his prisoners only the most determined efforts prevented a lynching and the threats of the hostile crowd that desired to hang the prisoners immediately badly frightened the unwilling accomplice Page. Beachy traded upon this terror.

Four noosed ropes were suspended from a beam in one of the rooms of the building where the men were confined and beneath each dangling loop was placed an empty packing box. Guards then went to the cell occupied by the men and removed Howard. An hour later they called for Romaine, taking him to the cell where Howard was being held. Then, after another impressive lapse of time, Lowry was summoned. Page was left alone in the room for more than an hour and was almost in a state of collapse when Beachy, several armed guards at his heels, entered and brusquely informed him that his turn had come. He was marched down the corridor and past the door of the room where the nooses hung. The prisoner's knees gave way and he clutched at Beachy's arm when he saw the sinister preparations. Beachy, with an exclamation of anger, slammed the door of the execution chamber.

"What's the matter with you fellows?" he cried to the guards. "I told you to keep that door shut!"

He turned to the trembling Page.

"You shouldn't have been allowed to see that, Bill," he told the prisoner, "but the damage is done now. It looks pretty bad for all of you. The others — Romaine and Lowry and Howard — are still alive, but they've all of them made a confession. I never have thought you

were as guilty as they were. If you'll tell the truth, the whole truth, there's a chance for you. But—" and he paused impressively—"you've got to talk straight, Page. They have the confessions the others made and they'll check every word you say!"

Without further opportunity to think the matter over the weakling was hustled into a room adjoining that where the gallows had been erected. Beachy, "Cap" Ankeny, a Columbia River steamboat pilot, Tom Farrell, and the District Attorney were seated at desks. Three of them held documents, supposedly the confessions of the other men involved in the crime, and from time to time consulted those papers and shot a question at Page as though to trap him in a discrepancy between his story and those told by Howard, Lowry, and Romaine.

It was an old, old ruse, this elaboration of the brutal third degree, but one for which criminals will never cease to fall. Page was possessed of a guilty conscience and he had never heard of this artifice of criminal investigators. He bit—hook, line, and sinker—at the bait dangled so temptingly before him. He welched, squealed, ratted, blew, peached, and talked. He told the whole story from the time of their departure from Virginia City to their arrival and arrest in San Francisco. He told of the fiendish slaying of Lloyd Magruder and gave the names of the four others who had been done to death at the same time. The grim shadow of the rope was ever before his eyes. Only the truth, he knew, could save him and he told everything, swore to his statement, and promised, almost tearfully, that he would repeat his story on the witness-

stand. Then, shackled hand and foot, he was returned to a cell and kept apart from his late companions.

Copies of the indictments were placed in the prisoners' hands before the trial. Not until then had the others suspected that Page was to testify against them. Lowry, as soon as he learned of Page's confession, thrust the paper back into Beachy's hand.

"I've seen enough," he exclaimed. "If old Page is testifying that way the jig is up!"

He was a prophet. The jig was up — except for the final dance, to be executed on thin air and from the end of a rope. The testimony of Page convicted Howard, Romaine, and Lowry and the three were hanged on March 4, 1864, on a scaffold that was erected in a natural amphitheater on the outskirts of the town. More than ten thousand people witnessed the execution and among the spectators were hundreds of Nez Percé Indians, gazing with stolid curiosity upon the working of the white man's law.

Romaine and Lowry went to the gallows profanely defiant although they had made full confession of their participation in the murder of Magruder, but Howard, the ringleader in the affair, stubbornly maintained his innocence to the last. Romaine's last words, we are told, were a blasphemous injunction to his executioners to "go ahead and launch your damned old boat; it's only a mudscow, anyhow!"

Naturally, the news of the disappearance of Magruder and his companions reached Virginia City long before the apprehension of the murderers. Howard and his asso-

ciates were immediately suspected and the wrath of the law-abiding element at this latest outrage played an important part in producing the sentiment that eventually resulted in the organization of the Vigilantes.

Page, having testified for the State, was set at liberty but was killed a year later in a drunken brawl. At the time that Dimsdale wrote of the crimes of the road-agents Page was still alive.

> " Page is still living at the Luna House," he said, " but even a short walk from home produces, it is said, a feeling of tightness about the throat that is only to be relieved by going back in a hurry."

From which we might gather that the people of Lewiston did not welcome as a fellow citizen the man who had so narrowly escaped the gallows.

Beachy did not consider his task completed with the hanging of the murderers. As soon as the weather permitted he engaged Page to guide him to the scene of the killings in the Bitter Roots. A few scattered bones were all that the wolves and coyotes had left of Lloyd Magruder and his unfortunate companions. These relics were reverently gathered up and interred in the Lewiston cemetery. The gold that had been stolen was eventually recovered from the mint in San Francisco where Howard had deposited it and was turned over to Magruder's widow.

CHAPTER IX

Gathering Shadows

THROUGH the closing months of the year 1863 the Innocents rode on the crest of the wave. No man was safe. Even a walk from Virginia City to Nevada or some other of the sister towns strung out along Alder Gulch was a perilous proceeding. Men were robbed, stages were held up, stores were looted; robbery, murder, assault, and vandalism marked every day.

No complete record was ever made of the holdups and killings for which the Plummer gang was responsible. Men would leave the diggings, homeward bound, and a week or a month later their friends would learn that they had not arrived at their destinations. Somewhere — in the alder thickets along Rattlesnake Creek or among the dark rocks of Port Neuf Cañon — they lie to this day. The gold that they had wrested from the rich gravel bars was flung onto the gambling tables, squandered for liquor, or poured into the laps of the honky-tonk girls. Dozens of anecdotes have come down to tell us of Gallagher,

Graves, and others of the road-agents holding a buckskin sack of nuggets before the ladies of their fancy and telling them to " dip in and grab all they wanted " of the golden dust.

After the work of the Vigilantes was completed a desultory effort was made to check up on the actual murders (no attention was paid to lesser crimes) that had been committed by the Montana outlaws. Very few of the victims were known by name, but every man who had unaccountably vanished was assumed — and probably rightfully — to have been waylaid and killed. Doubtful cases were stricken from the list but the final grim total stood at one hundred and two — an average of a man a day for the period of the Innocents' organized existence, and of more than two victims for each identified member of the lawless band!

Those who compiled that list did not consider it worth preserving and only the total survives. Here and there, in Dimsdale's articles, in the diaries of Francis Thompson, Granville Stuart, and James Henry Morley, and from other sources, one can gain swift glimpses at this dark record.

On Sunday, October 18, 1863, Morley made the brief but significant entry: " Express robbed." Earlier in the year, while he was at the Bannack diggings, the same diarist made the following comment on the events of May 18: " Another shooting scrape up town in which Cohart (George Carrhart) was killed and one man had his ankle badly shattered and another his leg. Cohart buried this evening. All of which causes but little if any excitement.

All going on as usual. Street now alive with men, so great has been the influx of people."

A man named Davenport, traveling with his wife from Bannack to Fort Benton, was held up on Rattlesnake Creek by a lone road-agent who introduced himself as "The Robber of the Glen." A watch and three purses were taken from the couple who were then permitted to proceed unharmed. The following day LeGrau's bakery in Bannack was broken into and looted.

Bill Hunter and Jack Gallagher are credited with killing and robbing a Mormon trader who, late in October, was foolish enough to make public display of a large roll of greenbacks. Bills that had been the property of the Mormon were recognized by several people while the pair were engaged in dissipating their loot; but the original owner was never heard of again.

Two brothers had a placer claim in Bivins Gulch. They were from Ohio and their name, according to a note of Dimsdale's, was Cavalier. An old letter, referring beyond a doubt to the same men, speaks of them as Chevalier. Their luck had been good, several rich pockets had been encountered in the seamed surface of the bed-rock, and they decided to leave Montana and return to their home. Three or four thousand dollars in dust was going with them.

They left Bivins Gulch about October 15th, planning to intercept the Oliver & Co. stage at Laurin's Ranch or, failing to make connections there, to retrace their steps to Virginia and get the Peabody & Caldwell coach to Salt Lake City. There the record ends. The brothers never

reached Laurin's, they never came to Virginia. Not until three months later did the Ferreting Committee of the Vigilantes unearth the circumstances of their disappearance.

Aleck Carter, Boone Helm, and Bob Zachary had killed them. The command to "throw up your hands" had been instantly obeyed, but the trio had followed the order with a volley from their shotguns. One brother had been instantly killed and the other, wounded by the buckshot, had been pistolled to death by Carter as he cursed the bandits for thieves and murderers.

Bill Bunton killed a miner named Henson who had been prospecting along the western slopes of the McCarty Mountains and who had stopped at the Rattlesnake Creek stage station on his way to Bannack to replenish his supplies. Bunton shot him as he slept, several statements of the miner having indicated that he was carrying a fairly weighty "poke" of gold-dust.

The murder actually netted less than thirty dollars, and the utter callousness of the members of the Innocents is clearly indicated by the fact that Bunton, spending the slain miner's gold in the saloons of Bannack, bitterly cursed the dead man for "lying" about his wealth and for the "trouble" to which his killer had been put for so paltry a sum.

Early in January, 1864, Ned Ray sat in Percy & Hackers' saloon in Bannack in a faro game. His bets were spread lavishly across the board and more than a thousand dollars in twenty dollar gold pieces were stacked in front of him.

"Pretty well organized, Ned," observed the dealer pleasantly as he called the queen to win and the seven to lose, raked in two bets, and paid one which the player had coppered.

Ray was the dandy of Plummer's gang, a tall, slender man of sandy complexion and with long red-brown hair falling over his shoulders. He wore the neatly trimmed mustache and goatee of the Innocents and dressed in soft buckskin shirt and breeches of the same material tucked in knee-high black boots that were always carefully polished. Beneath the leather garment he usually wore a soft white shirt with deeply frilled bosom. His linen was always immaculate, his buckskins never soiled — a sartorial perfection maintained for him by his Bannack Indian squaw. "Madam" Hall, a notorious courtesan of the town, was his mistress.

He glanced up and smiled in response to the dealer's words.

"I'm feelin' good, too. Nothing like starting the New Year right. I made the rounds today and paid every debt I owed anywhere in town. I'm square with the world and got this much left!"

He studied the case-keeper's rack with appraising eye, placed a fifty dollar bet on the ten, and the game continued. The money before him was the product of the murder and robbery of a gambler known only as King who had taken nearly two thousand dollars from the tables in Virginia City a few days earlier.

The road-agents played for high stakes, but they were perfectly willing to sit in small games as well. Says Dimsdale:

"Wounded men lay almost unnoticed about the city and a night or day without shooting, knifing, or fighting would have been recognized as a small and welcome installment of the millennium. Men dared not go from Virginia to Nevada or Summit after dark. A few out of the hundreds of incidents must suffice. A Dutchman, known as Dutch Fred, was met by one of the band who ordered him to throw up his hands. Finding he had $5 in Treasury notes with him the robber told him he would take them at par, and added with a volley of curses:

"'If ever you come this way with only $5 again I'll shoot you! Damn you, I'll shoot you anyhow,' and raising his pistol he shot him in the arm.

"Another man was robbed of two or three dollars about two or three miles below Nevada and was told that if he ever came with as little money again they would kill him.

"In company with a friend George Ives visited his comrades Hunter and Carter at Brown's Gulch. On their way back, among the hills which form the picket line of the Ramshorn Mountains, the two met Anton M. Holter, a citizen of Virginia. They politely invited him to replenish their exchequers by a draft on his own, which, under the circumstances, he instantly did; but was able at the moment to honor only a small check. They read him a lecture upon the impropriety of traveling with so small a sum in his possession and then, as an emphatic confirmation of their expressed displeasure, George drew his revolver and aiming at his [obviously Holter's] head, sent a ball through his hat, grazing his scalp. A second shot, with more deliberate aim, was only prevented by the badness of the percussion cap. After this failure this 'perfect gentleman' went his way, and so did Holter, doubtless blessing the cap-maker."[1]

[1] Without going into particulars it may be remarked that Holter's own account of this incident differs considerably from that told by Dimsdale, and that he himself appears in a far more heroic light.

Small game, indeed! A petty, .22 caliber variety of crime comparable only to raiding a peanut stand or stealing the pennies from a blind beggar's cup. There was nothing splendid, nothing of the Robin Hood, about the Innocents. One emerges from a study of their record with only disgust for a gang of cowardly cut-throats and braggarts, as yellow as saffron, who played only sure things, and to whom the gun-man's code of an "even break" was a thing unknown. No biographer will ever deify and make a romantically attractive figure of any member of the Plummer gang.

Two and three dollar robberies! And they considered themselves genuine holdup experts! If the Daltons, the James boys, Curly Bill, or John Ringo had ever made the error of bending a gun on a man with such an insignificant sum in his pocket, an apology would have been forthcoming immediately and the stick-up man would have shared his own purse with his less fortunate victim and sent him on his way with hearty and sincere good wishes for better luck in the future!

In November of 1863 the lean finger of suspicion was definitely pointed at Henry Plummer. There were a few — a very few — men who had thought for some time that the relations between the genial and courtly sheriff and the criminal element were not all they should be, but none of them dared voice their thoughts. On November 14, however, the duly elected guardian of the law in the Bannack district, gambling for a fourteen-thousand-dollar stake, really put his foot in it.

The treasure on which the sheriff had his cold blue

eye — in the shape of gold-dust packed in buckskin sacks — had been entrusted to Samuel T. Hauser (afterwards Governor of Montana) by Dance & Stuart of Virginia City. Hauser was on his way east and was to deliver the dust to creditors of the firm in St. Louis. Nathaniel P. Langford planned to accompany Hauser to the States and was waiting in Bannack for his arrival in that town.

Hauser entertained vague suspicions of Plummer and when the sheriff, who was in Virginia City, climbed on the stage with him for the trip to Bannack the future governor felt his suspicions justified. The sacks of gold were wrapped in Hauser's bedroll beneath the seat. Somewhat to his surprise the seventy-five mile journey was without incident and he determined on a rather bold piece of strategy to insure the further safety of his precious burden. Sidney Edgerton, also destined to be a chief executive of Montana and at that time Chief Justice of the Territory of Idaho, and several other men were standing in Goodrich's Hotel when Hauser unstrapped his blankets and dragged out the heavy sacks of treasure.

"Plummer," the courier said carelessly, "they say that any man with money isn't safe in Bannack. I've got fourteen thousand dollars in dust here that I'm taking east with me and I want you, as sheriff of the district, to keep it for me until I'm ready to start."

Henry Plummer's nerve was as cold as his heart.

"Glad to," he remarked with equal nonchalance. "I'll put it in George Chrisman's safe. Nothing will happen to it there. Let me know when you want it, Sam."

Hauser merely laughed when several of his friends,

A BOOM TOWN IN ALDER GULCH

Edgerton among them, expostulated with him for depositing so large a sum with a man that was already looked upon with some suspicion. He knew that the sheriff — although possibly as crooked as a bent corkscrew — would not dare tamper with the gold that had been turned over to him in his official capacity before so many witnesses. His confidence was justified, the gold being turned over to him intact when he and Langford were ready to depart.

Snow was falling on the Pleasant Valley divide and the Oliver Stage Company postponed the trip of the coach on which the two men had planned to journey to Salt Lake City. Hauser and Langford arranged to travel to the Utah metropolis with a party of eight Mormon freighters who planned to leave Bannack at noon of November 14. One wagon was left behind for the two as Langford could not conclude some final business matters by noon. The transactions with the freighters were conducted in George Chrisman's store, where Plummer had deposited the gold and where he had his office. Ned Ray was present at the time and presumably carried the information to his chief.

Plummer made a point of meeting Hauser in the course of the morning and arranged for Chrisman to turn the gold over to its owner on demand. He himself, he explained, was called out of town. His opinion was desired on what was reported to be a silver strike made in Rattlesnake Cañon. Because of his experience in the territory of Nevada he was supposed to be a judge of silver values. He shook hands cordially with Hauser, wished him a safe

and pleasant journey, and gave him a warm woolen scarf, bright red in color, as a farewell present.

"A little gift for you, Sam," he said. "You'll find it useful these cold nights."

A few minutes later Hauser saw him riding out of town, bound for the scene of the alleged discovery. The freighters, Salt Lake bound, creaked away to the south about noon, with the understanding that the two men were to overtake the main party at their first camp, twelve miles away, at Horse Prairie. Various matters delayed their start and at seven o'clock they were still loading the wagon. Buck Stinson, Ned Ray, and George Ives — all known desperadoes — had been seen around town earlier in the day but had disappeared. Friends of the two travelers were apprehensive of a holdup and warned them of their danger but Hauser and Langford took the view that a postponed departure would not reduce this risk and continued their preparations to leave. With them in the wagon was a Bannack gambler, Charles Whitehead, who also had arranged with the freighters for transportation to Salt Lake City. Neither Hauser nor Langford knew Whitehead at all well. They feared he might be a confederate of the road-agents and for the entire distance to Horse Prairie they rode with their shotguns lying cocked and ready across their knees, watching their companion no less keenly than they did the lonely road that wound through the gray clumps of sagebrush.

At this point must be interjected an incident that baffles any attempt to comprehend or explain. Plummer rode out of town on the road to Rattlesnake but doubled

on his tracks when a short distance beyond Bannack, crossed Grasshopper Creek about four miles below the town, and traveled to Horse Prairie to meet, according to previous arrangement, Ives, Stinson, and Ray. He was wearing a long blanket-coat of distinctive pattern and vividly lined with scarlet cloth, a garment that was known to everyone in Bannack and that would identify him instantly.

Earlier in the day Wilbur F. Sanders had sent a young cousin of his, a boy of fifteen or sixteen, to Horse Prairie to drive in some cattle that were ranging there. The youth, Henry S. Tilden, was a nephew — as was Sanders — of Judge Sidney Edgerton, and had come with the Edgerton party from Ohio to Montana. He did not locate the stock until nearly dark and decided to place them in a corral on Horse Prairie Creek and return and get them the following morning. As he was riding back toward Bannack he encountered four men jogging slowly toward him from the direction of the settlement and was frightened almost out of his wits when one of them flashed a gun in his face and commanded him to throw up his hands.

While two of the bandits sat motionless in their saddles the other pair dismounted and searched the boy. Naturally, they found nothing, and told him to go on his way, adding the usual warning of death if he told of the encounter.

Young Tilden galloped back to Bannack at the top speed of which his horse was capable and immediately told his story to Mrs. Sanders. This practical-minded

woman took him at once to his uncle's home and made him repeat his adventure to Judge Edgerton. Tilden concluded the recital with the information that he had recognized one of the robbers.

"Who was it?" asked Edgerton quickly.

"Henry Plummer! The sheriff!" was the startling reply. "He was wearing that plaid coat of his with the bright red lining!"

Edgerton immediately warned his nephew most solemnly against telling anyone of his discovery and the story was not revealed until long after the power of the Plummer gang had been broken by the Vigilantes, but the road-agent sheriff owed no small portion of his downfall to the youth's positive identification. From it sprang the first deliberate investigation of the official's movements and, gradually, the confirmation of the suspicions that such men as Sanders, Edgerton, and Langford had privately entertained for weeks.

No one can even guess the reason for the holdup of young Tilden. With thousands in sight Plummer and his two associates deliberately courted recognition by robbing a boy who obviously could not have been carrying any money. All of the bandits undoubtedly knew the youth by sight, but they held him up and then were guilty of the even greater folly of permitting him to ride on towards Bannack along the road that Hauser and Langford, the real objects of their expedition, were traveling.

Tilden, cutting across country in his mad race back to the settlement, did not encounter the slowly moving

wagon. The freighter, with Langford and Hauser beside him on the broad seat, drove on without adventure and finally camped on Horse Prairie Creek a few rods from where the advance party was already settled for the night. Whitehead discovered that his blankets, sent ahead by one of the other wagons, had been appropriated by a teamster and Langford, who had evidently lost all suspicion of his traveling companion, gave the gambler his own blankets and told him to share the wagon with Hauser and the Mormon. He himself rolled in a buffalo robe and stretched out on the ground nearby.

He wakened during the early hours of the morning thoroughly chilled, walked briskly up and down for a time, but still feeling uncomfortably cold went to the willows and alders along the stream to break some dry branches for a fire. Like a true son of the wilderness he carried his gun even on this short journey. As he stood in the undergrowth he saw three men walking toward him on the opposite bank.

Langford's first thought was that they were some of the party looking for strayed stock and he moved forward to accost them. There was a late moon and by its pale silver light he suddenly observed that the faces of the three were masked. His hand tightened on his gun. At the same moment the masked men saw him, noticed that he was armed, and hastily changed their course to the shelter of a clump of willows.

The fearless Langford followed them, crossing the stream at a shallow point and trailing the three to where a fourth man waited with four horses. The quartette

conferred for a few minutes and then mounted and rode off in the direction of Bannack. Apparently they had decided that the camp was guarded, that they had been observed, and that the robbery could not be accomplished.

Hauser and Langford reached Salt Lake City without further molestation and the gold was eventually delivered to the consignees in St. Louis.

The disappointed road-agents returned to Bannack. Though suspicion was strong against Plummer, no man was ready to risk an open accusation. He continued in office as sheriff and on Thanksgiving Day was host at a dinner to which he invited the most prominent citizens of the community. Judge and Mrs. Edgerton, Colonel and Mrs. Sanders, B. B. Burchette and his wife, Francis M. Thompson, Joseph Swift, and several others were in the party about the table in the home of Mr. and Mrs. J. A. Vail, Plummer's brother- and sister-in-law, with whom the sheriff lived. Edgerton's daughter Martha — she is now Mrs. Plassman of Great Falls — was a girl of thirteen or fourteen at the time and naturally was not invited, but she has told of Plummer crossing from his own cabin to that occupied by her parents and delivering the invitation to them. It was the only occasion, she says, that she ever heard of the man being embarrassed, and her recollection is very clear of Plummer standing in the living-room of the rude cabin, twisting his hat nervously in his long fingers, and giving every appearance of a man decidedly ill at ease.

The first known appearance of turkey on a Montana

table was at this Thanksgiving dinner given by the road-agent sheriff of Bannack. Plummer had sent to Salt Lake City for the fowl, paying for it forty dollars in gold.

"In addition," we are told, "he had other delicacies that had never before graced festal board in Bannack. Plummer was the soul of hospitality upon that occasion. His easy flow of conversation, his elegant manners, his gracious attention to his guests, made him an ideal host. No person seated there could realize fully that this smiling gentleman was the arch-demon of the trails, that the well-modulated voice which entertained with compliment and jest could thunder out the vilest blasphemy, and that the hands which served them had put to death countless victims.

"None could fully realize all this, yet every man present knew that Plummer was doomed. It was in a sense a feast of Belshazzar; but although the handwriting of fate was written as plainly upon the walls of the cabin as it had been upon those of the Babylonian palace, Plummer did not see it, nor know that his kingdom of crime was at an end."

Obviously, this account was written long after the banquet in question. Plummer's reign might have been drawing to a close but weeks were to pass before his dethronement. The shadow of the noose that hung over his head was a very tenuous one. The sheriff was suspected, but as yet those suspicions were locked in the breasts of a very few men. The law of the Vigilantes had yet to succeed that which he was supposed to represent and enforce.

Nevertheless, slowly and surely, the clouds were gathering in the Innocents' clear sky. Early in December, Plummer designated Dutch John Wagner and Steve

Marshland to hold up a combination wagon- and pack-train which Milton S. Moody was taking from Virginia City to Salt Lake. It is a little difficult to understand why only two men of the many available were told off for the task, and one is forced to believe that the usually astute Plummer was guilty of a tactical error. He must have been misinformed of the wealth of the train, which was carrying more then $75,000 in gold from the placer beds of Alder Gulch. The capture of so rich a prize would never have been entrusted to only two men.

The bandits first overtook the party in Blacktail Deer Cañon. We are told that while the packers were seated at breakfast voices came to their ears from around a sharp bend in the trail below the campsite.

"You take my gun and I'll take yours," one robber is quoted as saying, "and come right on after me."

The road-agents were evidently misunderstood, for one cannot imagine circumstances under which such a proposal would be made. Whatever the actual remark may have been, its nature was such as to alarm the packers. Every man reached for his weapons and the reception committee was in readiness when Marshland and Wagner, shotguns poised, rode swiftly into the camp.

The two bandits were evidently considerably surprised. Thinking the train was well in advance of them they had not masked themselves and their chagrin was apparent when several men of the Moody party, knowing them by sight, greeted them with satiric cordiality. Some weeks later — under vastly different circumstances — Wagner confessed that on the night preceding this unexpected

encounter he and Marshland had crept to within fifteen feet of the packers as they lay about their campfires. He had proposed killing as many men as possible with their shotguns, and then opening fire with revolvers, moving about in the brush and shouting so as to convey the impression of a large attacking force. Marshland, a timid soul when it came to slaughter, declined to be a party to such a massacre.

The rebuff in Blacktail Deer Cañon did not discourage the two outlaws. On December 4 they held up the train on the divide between Red Rock and Junction Creeks. The packers had pushed on ahead of the more slowly moving wagons which were, at the moment, very lightly defended.

Dutch John, from his saddle, kept the drivers covered while Steve dismounted and searched men and vehicles. The gold-dust was on the pack-horses, far in advance, but from the personal baggage stored in the first two wagons Marshland garnered between fifteen hundred and two thousand dollars in greenbacks. Elated by his success, he proceeded to the last wagon where Melancthon — "Lank" — Forbes was caring for a sick man named Kennedy. Forbes was fully aware of the reason for the halt and, sheltered by the canvas top of the wagon, had leisurely prepared for the bandit's visit. As Marshland climbed over the tail-gate he found himself staring into the muzzle of the amateur nurse's dragoon pistol.

"Lank" fired instantly, the heavy single-shot weapon roaring like a cannon in the confined space. The ball took effect in Marshland's breast and the road-agent fell

to the ground and, scrambling to his feet, started on a stumbling run for his horse. Encouraged by the repulse of one of the outlaws, the driver grew bolder and, despite the menace of Dutch John's shotgun, showed signs of hostility. Wagner was of far more stalwart fiber than his companion. Robbery was to him a business, and killings he regarded as details purely incidental to that profession. He swung his gun to cover first one wagon and then the other and pressed the triggers. His horse, frightened by the report of Forbes' pistol, reared and spoiled his aim. The buckshot whistled harmlessly over the teamsters' heads and Moody, the train commander, realizing that John's gun was empty, drew a revolver he had concealed in his boot and took a pot shot at the bandit. Wagner clapped spurs to his horse and fled, Moody firing again and again and wounding him in the shoulder as he disappeared.

Marshland, also wounded, abandoned his effort to regain his own mount and raced off afoot on Wagner's trail. In their flight the two men threw away all of the stolen money, which was recovered by their pursuers. Both outlaws were severely frostbitten before they could reach a spot where they could receive care for their wounds. Naturally, they were recognized and news of the holdup and of the identity of the robbers eventually reached Bannack.

Nothing was done at the moment but men were beginning to tire of the high-handed lawless independence of the Innocents. About this time, too, news of the atrocious murder of Lloyd Magruder and his companions

reached the Montana settlements. The excitement was intense, for every man knew that the outrage had been planned by the bandits of Bannack and Alder Gulch and that Magruder and those who rode with him had been doomed men from the moment they set out from Virginia City. Vital indeed to the events of the next sixty days was the slaughter of those five men in the lonely cañon of the Bitter Roots.

Popular reforms get under way with exasperating slowness, but once started move irresistibly to their goal. Public opinion rouses reluctantly from its lethargy, and no man can predicate the necessary stimulus. Sometimes it is a fiery leader — a Jeanne d'Arc or a Garibaldi. Again it is a martyr — a Socrates or a John Brown. Montana found its stimulus — its sacrifice and its "Remember the Alamo!" — in a stocky, tousled, blond German boy — "the Dutchman."

His first name was Nicholas. For his surname you may choose from Tbalt, Tbolt, Ebalt, Ibald, Tibalt, Thibalt, Thebalt, or DeVault. Accuracy in orthography meant nothing to the historians of the '60s and '70s. For the purposes of this record he will be called Thibalt. If objections are filed there are seven variants from which selection may be made or, if one wishes, the substitution of the more probably correct Germanic spelling of Thiebaldt.

Nick was a big, plodding, blue-eyed German — a son of Martha, content to be a hewer of wood and a drawer of water for men who were making fortunes. Far, far from a mental giant, but as honest as Arizona sunshine, as

faithful as an old draft-horse, and with the engaging friendliness of a bull-terrier puppy. Everybody knew him and liked him.

He worked for Burtchy & Clark in Virginia City and sold to them, for two hundred dollars, a fine span of work mules that he had brought with him from Colorado where he had lived after the death of his parents, both of whom had been killed by Indians on the Platte River. His employers had seen the team so there was no argument about the price Nick asked. They paid him in advance and loaned him a black saddle-mule named Bess to ride to Dempsey's ranch where the team had been turned out to pasture.

Nick, his money in his pocket, rode off down the gulch and never came back. Burtchy and Clark saw neither German nor mules and had almost concluded that the boy they trusted had decamped with both the animals and the gold.

Nine days later William Palmer — "Old Man" Palmer — drove into Virginia and halted his buckboard in front of Dance & Stuart's. In the bed of the wagon, covered by a ragged blanket, was the frozen body of the "Dutchman." A blue hole was between his eyes, but the experience of the miners and hunters in reading signs showed them clearly that the wound had not been instantly fatal. The youth had been roped and dragged, still living, into a clump of sagebrush. The marks of the riata were about his throat and the dead fingers still clutched bits of twigs and gravel at which he had grasped in his death struggles.

Palmer had been hunting in the valley of the Passa-

mari and he described how he had shot a prairie chicken and in searching for the bird had found it lying in the sagebrush but a few yards from the body of the dead man.

"The place where he was," said the old man, "is only about a quarter of a mile from that wickiup where 'Long John' Franck and George Hilderman are livin'. I went down there right away and asked them to give me a hand liftin' him into th' wagon and takin' him into town. They told me to go to hell!

"'There's men killed up in Virginia City every day of th' week,' Long John said to me, 'and nothin's ever done about it. What call have we got to bother with that fellow, whoever he is, that you found?'

"I went on back to where he was, loaded him in by myself and brought him in."

The incident — and the killing of Nicholas Thibalt was purely a minor incident in the black chapter of the crimes of the road-agents — proved the torch that was needed to touch off the inflammable temper of the men of Alder Gulch. Hilderman and Franck — both known roughs — were instantly assumed to be guilty. No innocent men, the miners argued, could be so callous. While the major portion of the citizenry of the gulch stamped around in the cold December sunlight, made repeated morbid inspections of the body, and growled that "something ought t' be done about this," a few determined men acted.

James Williams — he was known far more generally as "Cap" — commanded the party that rode out of Alder Gulch shortly before ten o'clock that night. Be-

hind him, well-mounted and better-armed, were a score of men who were resolved that this latest crime should not go unpunished. In the group were William Palmer, who had discovered the body of Thibalt; Charley Beehrer. a German brewer; John X. Biedler, Elkanah — "Elk" — Morse, Joseph Dadow (not "Dido" as the name appears in many of the records), Thomas Baume, Henry Clark and George Burtchy, the employers of the murdered man; John Wilson, Frank Angevine, and Elias Story. There were others, but only the above can be positively identified.

They made a wide circuit about Daley's ranch, where many of the road-agents made their headquarters, and rode on steadily through the night toward the solitary wickiup in the Passamari. In crossing Wisconsin Creek, below Daley's place, the cavalcade broke through the ice. Their wet clothing froze immediately and every man finished the long ride clad in crackling icy armor. They halted a mile or two below the ford and at the command of their leader stood by their horses until dawn. No fire was built at which they could thaw their frozen fingers, smoking was forbidden, but no man weakened. As the gray of another winter morning crept across the eastern sky they remounted and galloped swiftly to the mud-plastered brush hovel that Franck and Hilderman called home. Eight or ten men, wrapped in blankets and buffalo robes, were sleeping on the ground outside the shelter. Several of them stirred sleepily as the posse thundered up. It was still too dark to identify any of the sleepers, but their number was afterwards found to in-

clude Aleck Carter, Bob Zachary, John Cooper, Bill Graves, "Tex" Crowell, George Ives, and Long John Franck — as choice a collection of desperadoes as could be assembled. Two travelers, ignorant of the character of the band, were also spending the night there. Fortunately for them, they had no money.

Jim Williams leaped from his saddle and strode forward, gun in hand.

"The first man to move will get a quart of buckshot through him!" he barked. "We want Long John. Where is he?"

"Right here," responded John himself. "I reckon I know what you want me for."

"Maybe so," said Williams, "but come on and be quick about it."

"Jest as soon as I get my moccasins on," was the placid response.

As soon as Franck appeared Williams, Palmer, Biedler, Burtchy, and Clark escorted him to the clump of sagebrush where Thibalt's body had been found. Palmer again described his discovery of the murdered man and Franck's refusal to render assistance.

"Long John," said Williams sternly, "we have arrested you for killing the Dutchman. What have you got to say for yourself?"

"Boys," replied Franck seriously, "I didn't do it. As God's my Judge, I didn't do it."

J. X. Biedler — always an excitable and somewhat bloodthirsty individual — jerked his revolver from its scabbard.

"You'd better prepare for another world, Long John!" he exclaimed.

Williams thrust his stocky body between the two men.

"None of that, X," he exclaimed, using the nickname by which Biedler was universally known. "If there's anything going to be done here we'll do it together."

He, with Burtchy and Clark, drew the accused man to one side for further questioning. The light was growing brighter each moment and Clark recognized — or thought he recognized — an animal that was grazing nearby.

"John," he asked suddenly, "whose mule is that?"

Franck's eyes followed the pointing finger.

"Why, that's the black mule the Dutchman rode down here!"

The three men exchanged glances. His own guilty knowledge had convicted the prisoner.

"If you know whose mule that is, John," said Williams, "things look pretty black for you. Where is the other pair of mules?"

"I don't know."

"John," persisted the leader of the posse, "a couple of minutes ago X. Biedler told you to get ready for another world. He was about right, for you're sure played out in this one."

For the first time some realization of the gravity of his position appeared to penetrate the man's thick skull. He took a half step forward and laid his arm on Clark's shoulder.

"By God," he exclaimed, "I didn't kill that Dutchman. If you'll give me a chance I'll clear myself!"

"You'll get a chance all right," interjected Williams grimly, "but you'll have a job making anybody believe you. If you knew he'd been killed, that he was lying out here for nine days, and yet didn't say a word to anybody, that alone is enough to hang you! Why didn't you tell somebody from Virginia?"

"I was afraid."

"Who were you afraid of?"

"The men around here," said Long John swiftly. "There's one of 'em here now — the man who killed the Dutchman. He's down at the wickiup."

"Who is he?" Williams' question was as sharp as the crack of a whip, as the menacing click of a cocked rifle.

"George Ives!"

Williams hesitated only long enough to direct Burtchy and Clark to remain where they were with Franck. He walked through the sage to where the balance of the posse still stood guard over the men about the shack. He recognized Ives immediately — a tall, fair, rather handsome, clean-shaven individual who wore a blue greatcoat of military cut and a wide-brimmed, light-colored hat.

"Are you George Ives?" he asked curtly.

"Yes."

"I want you. We're taking you to Virginia City."

The road-agent looked about him. More than a dozen men, double-barrelled shotguns across their arms, stood about the camp. He would have been riddled with buckshot before he could have taken two strides.

"All right," he observed quietly. "I guess I'll have to go."

"Long John" Franck and "Old Tex" Crowell were held in custody, the others were permitted to depart. Crowell, when apprehended, was engaged in the pursuit of an occupation now known as "reading his shirt" and profanely suggested that the garment and its inhabitants also be confined.

"It's you we want," said "Elk" Morse, "not the live-stock. Are those your guns?"

A brace of six-shooters lay near where Crowell was sitting. He replied in the affirmative.

"Push 'em over here with your foot. We'll want them, too. You're under arrest."

The term "under arrest" as used by this posse and throughout the entire history of the Vigilante movement has been ironically defined by Dimsdale as "a technical yet simple formula adopted to assure the individual addressed that his brains would, without further warning, be blown out if he should attempt to make a break."

While the prisoners' horses were being saddled Williams and several others searched the wickiup. They confiscated seven dragoon and Navy revolvers, nine shotguns, and thirteen rifles. Among the arms was a dragoon pistol taken from Leroy Southmayde when the coach on which he was a passenger was robbed below Stone's ranch by Ives, Graves, and Zachary.

The sun was high in the sky when the posse at last was ready to depart. They paused at Dempsey's for sufficient time to collect George Hilderman, Franck's partner, who was working on a bridge being built over Cottonwood Creek, and then continued on their way to Alder Gulch.

Ives made no protest whatever at being arrested without due process of law. He jogged quietly along, chatting with the men who rode beside him, and watching the occasional horseraces with which the members of the posse, rejoicing in the sunshine after their long, cold night ride, enlivened the return trip.

"I don't know a thing about this killing," he assured Williams and Charlie Beehrer, "and I'm not afraid to stand trial. I'd just as soon go on to Virginia, though. I killed a dog once in Nevada and there's a couple of fellows there that have it in for me."

Two of the riders dashed alongside, each claiming the victory in a quarter-mile sprint across the sage-strewn flat. Ives laughed genially.

"This pinto of mine has a fair turn of speed," he remarked. "I'll bet you the drinks for the crowd that he can beat any three of you to the top of the ridge yonder!"

Several of the men, excited by the racing, shouted a defiant acceptance of the challenge and the prisoner, with a flip of the reins and a quick jab of his steel spurs, dashed away with them. He had not exaggerated the piebald's speed. Spur as the other men might he passed them easily and was well in the lead at the ridge that he had designated as the finish line. And from there he kept right on going, his mount's flying heels drumming a rapid tattoo on the hard-frozen ground.

Instantly the entire posse, excepting only the men who were guarding the other prisoners, was in hot pursuit. Ives, spurring like a madman, raced for Pete Daley's ranch — less than a mile away. His friends at "Robbers'

Roost" had already learned of his arrest and a fresh horse, saddled and bridled, stood there waiting for him. His pursuers, however, were so close on his heels that he dared not pause to make the change from his tiring mount to the fresh animal. He swung the pinto's head toward the mountainous country around the mouth of Bivin's Gulch. Some travelers from Virginia City, one story runs, had paused at the stage station and a horse and saddle-mule stood at the tie-rail. Burtchy and John Wilson leaped from their own exhausted animals and swung to the fresh ones with a flying mount that was worthy of a pony-express rider. The change delayed them only a few seconds and they were again on their way after the fleeing Ives.

One mile, the timber that promised concealment drawing steadily nearer, and Ives still held his lead. Two miles, and still no change in the relative position of the three men. The pinto was running "belly-to-earth," giving his rider all that his gallant heart held. Three miles! The desperado's horse was tiring and Wilson and Burtchy yelled encouragement to each other as they saw the distance between them and Ives decreasing. They had left the flats and were in the rougher country about the mouth of the gulch. Ives, with a glance over his shoulder, jerked the pinto to a stand and flung himself from the saddle. Half running, half falling, he plunged into a nearby ravine where jutting rocks and scattered timber offered a possible hiding place.

It was a last, desperate, futile gamble. Burtchy and Wilson knew the man was unarmed and closed in on him

as he crouched amidst the boulders of a granite outcropping.

"Stick 'em up, Ives. We've got you covered. Come out or we'll let daylight through you!" [2]

The road-agent obeyed, laughing as the two men ordered him to climb the hill to where the horses stood.

"Almost made it!" he commented cheerfully.

Wilson and Burtchy escorted him back to the posse where only the firm hand of Williams prevented an immediate hanging. Closely guarded now, the murderer of Thibalt rode to Nevada in the middle of a hollow square formed by his captors. Upon arrival in the town he and the other suspects were placed in separate "cells" in an improvised jail and chained to the log walls.

[2] "Cap" Williams always claimed that "Chunky" Johnson was the man who recaptured George Ives after the race and that the bandit took cover in the brush about the base of the rocky butte that is the most conspicuous feature of the landscape in the wide lowlands where Alder Gulch empties into the Passamari. The Vigilante leader, to the day of his death, denounced as pure fiction the story that Burtchy and Wilson had obtained fresh mounts from the tie-rail in front of Daley's.

CHAPTER X

Sanders — Lion of the North!

THE news that the murderer of Thibalt had been captured and was, with his associates, in jail in Nevada spread with unbelievable swiftness through the mining towns of Alder Gulch. The roughs, friends of the accused men, immediately set in motion the wheels of their organization machinery. "Clubfoot George" Lane, the Virginia City spy, was dispatched to Bannack with orders to spare neither himself nor his horse until he had notified Henry Plummer of the danger that hung over one of his principal lieutenants. Anticipating a trial as formal as mountain practice permitted, the outlaws retained every lawyer of prominence or ability that was practicing in the district. James M. Thurmond, John D. Ritchie, Alexander Davis, and the drunken Harry Percival Adams Smith were all engaged as attorneys for the defense. The decent element, the men who were determined that justice should have a chance in the region, found themselves facing the trial without benefit of able legal counsel.

"Sanders is in town," someone said to Mortimer H. Lott. "He's a lawyer — a nephew of Judge Edgerton."

"Get him!"

A. J. Culbertson hastened to Virginia and found Sanders in Tilton's store where A. J. Oliver & Co. maintained their stage office. He was purchasing a ticket to Bannack, his home, but when Culbertson outlined the gravity of the matter on which M. H. Lott and his brother John desired to consult him he cancelled the reservation and proceeded at once to Nevada. So informal was the entry into Vigilante history of its brainiest, most courageous character, Wilbur Fisk Sanders.

He was only twenty-nine years old at the time — born in Leon, Cattaraugus County, New York, on May 2, 1834 —and had lived in Montana only a few months, having journeyed to the West the previous September from Akron, Ohio. He had accompanied his uncle, Sidney Edgerton, whom President Lincoln had appointed Chief Justice of Idaho Territory. Sanders had been in the Union army during the early days of the Civil War and was an acting adjutant general when his health broke under the rigors of campaigning and he was discharged for physical disability on August 10, 1862.

The miners looked somewhat curiously and the roughs contemptuously on this unknown who was to pit himself against lawyers of such proven ability as Thurmond, Ritchie, and Smith, but before the trial of George Ives was concluded they were to become better acquainted with the man who was to be Montana's first United States Senator and, in after years, was to be characterized by

Robert G. Ingersoll as " the keenest blade with which I ever crossed! "

" I made up my mind," said Sanders in writing his account of the trial of George Ives, " that I would push the case with the utmost vigor, and if the guilt of the accused were certain that the retribution should be swift and absolutely remorseless! "

When Sanders arrived in Nevada he found that decision had already been made to try Ives, recognized as the principal culprit, first. Don L. Byam, miners' judge of Nevada, was to preside and Judge Wilson of Junction, the new mining district below Nevada, was to share the bench. A jury of twelve was to hear the evidence and render the verdict, but every man of the hundreds assembling took it for granted that he had the right to interject comments, observations, questions, or protests at any time. Necessarily the trial had to take place in the open, there being no building sufficiently large to accommodate even a fractional part of the gathering throngs.

The narrow street, its frozen surface churned into slimy mud by thousands of shuffling feet, was packed from building-line to building-line by a dense crowd of men. Claims were deserted, ranches left to shift for themselves, and business houses and stores closed as the men of Alder Gulch and the surrounding region trooped in to attend court. Every man was armed — a revolver slung about his waist or a shotgun or rifle across his shoulder — and not all of them were entirely in sympathy with the cause of law and order. The accused quartette had their friends in the crowd — fellow members of the Innocents, the

gambling fraternity, the saloonkeepers, hangers-on around the dives and honky-tonks, and dozens of careless, drifting frontiersmen who regarded George Ives as "a good fellow."

Guns across their shoulders they wandered in and out of the saloons that did a rushing business during the entire trial, and listened to the thousand and one rumors that flashed from lip to lip. A bad crowd to handle; on the surface good-natured, but with an underlying sentiment of surly discontent; easily swayed, and under proper leadership capable of anything. George Ives was on trial for murder, but law and order was standing at the bar hand in hand with the calm, unshaken outlaw. Should he go free as had Moore and Reeves in Bannack or Stinson, Lyons, and Forbes in this very town of Nevada, it would be an open admission that established government and justice stood no chance in the new territory and that its people might resign themselves to rule by an utterly lawless minority.

Government by the people en masse, rather than by their duly elected representatives, is an hopelessly awkward system. There were hours of vociferous bickering as to whether or not the accused should be represented by counsel or whether lawyers should participate in the proceedings in any way. Popular vote finally decided in favor of legal guidance and then more hours were consumed by discussion of the method to be used in impanelling a jury and of the number that should sit on that body. A determined effort was made, through the influence of Ives' friends, to increase the number of jurors to thirty-

COLONEL W. F. SANDERS, THE BRAINS OF THE VIGILANTES

six — twenty-four from the Fairweather district and twelve from Nevada.

A hung jury was almost certain under such conditions and Sanders and J. B. Cavan, a Plummer-appointed bailiff who, incidentally, had been owner of the rifle with which Hank Crawford shot the outlaw leader, engaged in several furious tilts before Sanders' argument prevailed and the shouting miners decided that twenty-four men, twelve from Virginia City and a like number from Nevada, should determine the fate of George Ives.

Uninteresting, this dry recital of the clash of scouts preliminary to the main engagement — but picture for yourself the scene of that trial. Log cabins, brush wickiups, and canvas tents crowded one another in forming the narrow main street. A few more pretentious structures were stores, saloons, and "hurdy-gurdy houses" or "honky-tonks." Only a stone's throw away, along the bed of Alder Gulch, were the mines, the placer bars from which the men of Nevada were rifling their hidden store of gold. Mining paraphernalia — sluices, rockers, and long-toms — were everywhere beside the houses and along the street.

Two high-wheeled wagons, drawn up in front of Lott Brothers' store, were judge's dais, lawyers' bench, prisoner's dock, and witness-stand. Facing the wagons was a semicircle of benches from a nearby hurdy-house and on these the jury was seated. It was December 19th, clear and cold, and a large fire blazed within the area enclosed by the jurors' seats. The wood was appropriated from a pile which some unlucky woodman had stacked conven-

iently close at hand. From time to time a juror would rise and stand with his back to the blaze for a few minutes, or Ives and his counsel leave their chairs and hold their chilled hands over the flames. No notice was taken of such informalities.

Beyond the benches, a barrier between the court and the sympathy or antagonism of the partisan crowd, stood a close cordon of guards — armed men drafted for the purpose by Williams, the Lott brothers, and Judge Byam — and behind this wall of weapons were the spectators.

There were a thousand or fifteen hundred of them jammed into the narrow area between the buildings. Miners, ranchers, gamblers, merchants, mechanics, teamsters, packers, prospectors — some booted and spurred as they had ridden from their distant claims and ranches, others with the mud and gravel of Alder Gulch clinging to their shoes, and still others in the conventional attire of the business man or the closely-buttoned black frock coat and ruffled shirt affected by the deft-fingered faro-dealers and roulette croupiers. One thing they had in common. Every man was armed and every man was in a mood to use the weapon that hung ready to his hand or was carried across his shoulders. They perched on the sluice boxes and lumber piles or stood in the soft mud of the street, listening attentively to the testimony and, from time to time, shouting their applause or criticism.

The entire forenoon was gone before the jury was selected and Judge Byam directed that a recess be taken until after dinner. Wilson, the *puisne* judge who shared the bench with Byam, approached Sanders during the

recess and asked him if he did not desire legal assistance in the coming battle.

"There's a miner named Bagg — Charles S. Bagg — at Junction that was a lawyer in the states," he said. "He might be a big help to you."

Sanders assented eagerly and Judge Wilson located Bagg and introduced the two men.

"He brought to me," said Sanders in describing the meeting, "a short, stubby, hairy, fatherly-looking man, somewhat rude, with dilapidated garments, whose bootlegs did not have sufficient fiber to stand up and into one of which he had vainly essayed to tuck one of the legs of his pantaloons."

The man himself possessed more fiber than his boots, for Sanders continues:

"He spoke intelligently and made it manifest that his indignation was deeply stirred by the events which had taken place and I counted it fortunate that such a find had been made. I found no occasion to regret his identification with the prosecution. If the lawyers for the defense appealed to the miners on questions submitted, the appeal of my colleague was with greater intensity and frequency to the Almighty, with whom, judging from his speech, he was on terms of considerable intimacy. He lacked nothing of audacity and volubility and being himself a miner he appealed to the assemblage on their own level with great effect. His courage was equal to the duty and he rendered good service throughout the trial."

The trial of George Ives continued for three days — the 19th, 20th, and 21st of December, 1863. Carefully,

thoroughly, brick by brick, Sanders and Bagg built up the damning structure of evidence against the accused man. He was guilty, it was shown, not only of the brutal murder of Nicholas Thibalt, but of at least a half-dozen other killings equally wanton. Men sought Sanders during the trial or in the evenings at the home of Nicholas Wall in Virginia City and supplied him with additional evidence. Seeing that law and order was at last making a definite stand against the domination of the outlaws, they gained courage.

"Don't get me into it," a man would whisper, glancing fearfully over his shoulder. "Don't say who told you, but George Ives—" and there would follow an account of a killing of which Ives had been guilty or a tale of robbery with the names of those who had been the accused man's accomplices.

There was a stir of excitement in the crowd when "Long John" Franck took the stand. For hours there had been rumor and counter-rumor of some member of the outlaw band turning state's evidence and "peaching." The tall, black-bearded, cadaverous Franck told in emotionless words of the circumstances of the killing.

Thibalt, he said, had paid the charges asked for the pasturage of the mules on Dempsey's range. The purse he drew from his pocket had contained several hundred dollars in gold-dust. As the youth started on his return to Alder Gulch with the animals, Ives had remarked that it was a "pity" to let that much money and a valuable span of mules get away from them and had hastily flung a saddle on a horse and galloped after young Thibalt.

In a short time he had returned, driving the mules before him and triumphantly displaying the sack of yellow dust.

"He said," quoted Franck, "that he had come up on the Dutchman from behind but that only a coward would shoot a man in the back. So he'd hollered to him and when Thibalt stopped his mule and turned around he'd thrown down on him and made a center shot right in his head."

The young German was unarmed, a circumstance that detracted considerably from any appreciation of the bandit's chivalrous bravery.

An effort by the defense to establish an alibi for the prisoner crumpled miserably. George Brown and "Whiskey Bill" Graves were placed on the stand but within a few minutes were contradicting each other and tangling themselves in such a skein of falsehood that the crowd roared with laughter as the pair were dismissed.

The spectators, Sanders himself admitted in later years, were in the main "good-natured and not unduly boisterous." Throughout the first day of the trial friends of Ives, their hands on their guns, swaggered conspicuously in the front ranks of the crowd, shouting objections to the testimony introduced and threatening sudden and certain vengeance upon all participants in the prosecution if a verdict of guilty were rendered. As their own names were drawn into the case, however, their defiance and bravado subsided and they were content to remain in the background and from this less prominent position circulate rumors that they thought might excite the men about them and serve to help the prisoner.

Rumors apparently sprang out of nothingness, flashed from lip to lip through the crowd with unbelievable swiftness, and then died before the advance of another report equally wild and equally without foundation in fact. Plummer was coming. Plummer the mysterious, the real power in the land! He was riding from Bannack at the head of a force of deputies and was going to compel this gang of night-riders to dismiss their farcical court and surrender the prisoners to him, the duly-elected sheriff of the district. A sacrifice was being made of George Ives! He was being convicted on perjured testimony while the man who had murdered Thibalt — a friend of every member of the prosecution — was given an opportunity to escape!

Throughout the entire three days it was the same. Wild rumor followed fantastic tale; all were exaggerated in the repetition, and the crowd surged restlessly back and forth and, according to their emotions of the moment, hooted derision of a witness or lustily cheered a telling point brought out by Sanders or Bagg.

Henry Plummer was otherwise engaged while the life of George Ives hung in the balance. He learned of his lieutenant's predicament almost before the posse which had made the capture had reached Alder Gulch, but loyalty was not one of the sheriff's prominent characteristics. The skin of Henry Plummer was the only hide which he was interested in saving. He was still arrogantly confident that he had the people of Bannack fooled and he took no chances. Shrewdly coupling his own name and those of his associates with the names of the best men

of the town he placed in circulation a story that the miners of the Fairweather district had gone hog-wild and that an ungovernable mob was enroute to Bannack to hang him, his deputies Ned Ray and Buck Stinson; George Chrisman and A. J. McDonald, two reputable merchants; Thomas Pitt, and Judge Sidney Edgerton. As a result of this story, an armed force headed by Plummer stood watch all night to repel the attack of the bloodthirsty mob!

Naturally, word of the rumors came to the ears of Judge Byam, Sanders, Bagg, and the little force of resolute men who were conducting the trial, but none of them hesitated. They knew that their own lives might be the penalty for their courage; that a miscarriage of justice, a sudden flare of mob-hysteria such as had freed the murderers of Dillingham, would place the outlaw group in undisputed control and that every one of Ives' prosecutors would get a bullet in his back before another dawn, but their determination never wavered. And most courageous of all, the flaming torch of an open-eyed, clear-seeing, and clear-thinking Justice, was Wilbur Fisk Sanders! None were more cognizant than he of the peril in which he walked. None realized more clearly the cowardly vindictiveness of the road-agents. He knew there could be no middle course, that the result of his labors would be a noose about the murderer's throat or a bullet in his own body, but he swerved not the fraction of an inch from the course to the following of which he had set himself. The insults of the roughs in the crowd, their shouted threats, and the more studied gibes of the

lawyers who represented Ives failed equally to shatter his legal poise and his cold nerve. A Lion of the North, indeed!

The defense collapsed like a brush dam before a torrent in flood. There was not a man on the jury or among the spectators that was not convinced that George Ives had not only murdered Nicholas Thibalt but that his record of killings, holdups, and lesser crimes was as black as any in the territory. The defendant himself was not put on the stand. Throughout the trial he sat quietly in the chair placed for him against the side of the wagon, taking a detached, apparently unworried interest in the development of the case. His demeanor, said Sanders, "contrasted favorably with that of his counsel, who at times seriously tried the patience of their auditors."

The attitude of Ives' attorneys showed clearly the hopelessness with which they regarded their client's case. Both Ritchie and Smith were maudlin, the latter hopelessly so, when the time arrived for summing up the evidence, and the defense arguments to the jury were pathetically weak. Thibalt's dead and nothing can bring him back to life; the exact circumstances of his killing will never be known; you all know George Ives and he's a pretty good fellow; why not give him another chance — was the burden of the appeal to the sympathy of the jury and the crowd.

Judge Byam made no formal charge to the twenty-four men that comprised the jury, merely directing them to retire to a nearby store for their deliberations and return when they had arrived at a verdict. Night had fallen —

the evening of December 21, 1863 — when the last argument was concluded and the case finally delivered to the talesmen.

The twenty-four were "out" less than half an hour. The crowd was silent, even Ives' boisterous sympathizers ceasing their clamor, as the two dozen men filed back to their places and handed a written report of their findings to Judge Byam. No man failed to hear the verdict as the judge, standing in the wagon-bed, read from the paper in his hand.

George Ives was guilty, guilty as charged — and twenty-three of the twenty-four had signed the verdict. Only one, Henry Spivey, swayed by prudence and timidity, had failed to affix his signature to the document.

George Ives was guilty! The silence continued. No man knew exactly what to do next. Byam held the paper between his fingers as his gray eyes swept the close-packed ranks before him. And in that expectant hush the fearless Sanders leaped to his feet. He had been gambling with death for three days; he knew it, and his voice was as clear as a bell as he continued that gamble!

"May it please the court," he cried, "I move you that as George Ives, after a fair and impartial trial, has been found guilty of the murder of Nicholas Thibalt, we do now approve the findings of this jury and declare its verdict of guilty to be the verdict of the miners' meeting here assembled!"

"Second the motion!" snapped a voice from the ranks of the guards, the voice of James Williams.

Byam did not hesitate for an instant.

"You have heard the motion," he shouted; "that the verdict of guilty be approved and made the verdict of this meeting. All in favor say 'Aye'!"

There was no need of calling for a contrary vote. The roar of approval fairly shook the gulch. Of the twelve hundred or more men who choked the narrow street scarcely a hundred shouted their opposition. The Ives sympathizers did not seem to grasp the significance of this unanimous endorsement and in the silence that followed the voice of Sanders was heard a second time.

"And I do further move you," he cried, "that George Ives, being duly convicted, be now delivered to the proper officers of this court, taken to a suitable place, and there hanged by the neck until he is dead!"

"Second the motion!"

As promptly as he had put the first resolution Judge Byam submitted the second to the throng.

"Aye!"

"Aye!"

"Hang the murderer!"

The miners' approval of the death sentence was as unanimous as their vote on the verdict. Judge Byam turned to Robert Hereford, the sheriff of Nevada, and directed him and Adriel B. Davis, sheriff of the Junction mining district, to make the necessary preparations for an immediate execution.

As the two officers departed the friends of the doomed man suddenly came to the realization that the case had gone against them and that George Ives stood in the shadow of the rope. Night had fallen, the only illumi-

nation was that of the fire that blazed in front of the two wagons, and beneath the protecting cloak of the darkness the mouthy bravado of the road-agents returned. First a murmur of dissatisfaction and protest, then shouts of "Outrage!" "Give him some time!" and finally a hubbub of threats directed towards Judge Byam, Sanders, Bagg, and the other officers of the court. Anticipating exactly this situation, Sanders had taken steps to double the number of the guards. The triple ring of determined pickets about the prisoner and the court was an efficient check upon any thoughts of rescue that might have entered the minds of the Innocents who bellowed their threats and made menacing display of their guns.

While the uproar was at its height Ives, who was sitting quietly in a chair drawn close to the fire, rose and walked to the wagon where Sanders was waiting the return of the sheriffs. The angry shouts died away as the central figure in the tragedy approached his prosecutor.

"Look — George Ives — "

"What's he doing?"

"Shut up! He's talkin' to Sanders."

"Sh-h-h-h."

The whisper ran swiftly through the crowd but Ives paid no attention whatever to the hundreds of interested watchers as he climbed into the wagon and took Sanders' hand. His voice was steady and unexcited and every man there heard the words of his simple, manly appeal.

"Colonel Sanders," he began courteously, "I'm a gentleman and I believe you are one and I want to ask a favor which you alone can grant. If our places were

changed I know I would grant it to you. I've been pretty wild, I admit, but my people know nothing of it. I have a mother and a couple of sisters in Wisconsin and I want time to write them a letter and to make my will. If you will have this execution postponed until tomorrow morning I give you my word of honor as a gentleman that I will not try to escape and that I will not permit my friends to interfere in this matter in any way."

He ceased speaking and Sanders, deeply moved, was unable to make immediate reply. The crowd too was silent, waiting for the answer of the man who had been most instrumental in convicting the killer. At that tense moment another voice broke the stillness. The eyes of every man turned to where the stocky figure of "X" Biedler, leaning on a shotgun taller than himself, stood on the sod roof of a low cabin across the street. Biedler had heard every word of Ives' plea.

"Sanders," he cried, "ask him how much time he gave the Dutchman!"

A ripple of grim laughter ran through the throng. The interruption, Sanders afterwards admitted, lifted a burden from his mind.

"Ives," he said quietly, "you should have thought of this before. You still have a few minutes. Get down and start your letter and I'll put a motion about your property that I think will be satisfactory to you."

Ives made no reply. His last gamble, if it were a gamble, had failed. He returned to the chair by the fire and was supplied with a sheet of paper and a pencil by one of his counsel. Sanders' motion, made immediately,

was that the court take possession of the condemned man's property, pay from it the board of the prisoner and his guard during the trial, and forward the balance to his mother.

John D. Ritchie, one of the defense lawyers, had been drinking heavily during the closing hours of the three-day session. He struggled to his feet, holding himself erect by a firm grasp on the wheel of the wagon, and bitterly assailed what he termed the "outrage of murdering a man and making him pay the board of those that killed him!"

The motion was adopted over his protests, but guards were compelled to intervene and separate Sanders and Ritchie as the two were proceeding to the rear of the buildings to settle, once and for all, the quarrel thus precipitated. Sanders had worn his overcoat during the trial and had carried a revolver in either pocket of the garment. A few moments earlier, doubtful if the weapons, unfired for several months, would function, he put his hand in his pocket, cocked one of the guns, and pulled the trigger. The ball tore a hole through his coat and buried itself in the ground, but the knowledge that his arms were in good working order increased the young lawyer's confidence considerably.

During the wait many of the crowd were permitted to pass through the cordon of guards to say farewell to the prisoner and the frequent interruptions prevented him from finishing the letter he had begun to his mother. The two sheriffs, Hereford and Davis, returned after an absence of nearly three-quarters of an hour to state that

they had been able to find no satisfactory place for the execution.

"Hell!" shouted one of the guards in disgust. "Any place will do! How about that?"

He pointed to a log building that was under construction a few yards away. The walls had been raised to a height of about eight feet, but no roof was as yet on the structure. The speaker scrambled to the top of the wall, threw down one end of the uppermost log, and with the help of several willing volunteers wedged it in place so that the upper end, at an angle of forty-five degrees, thrust itself out into the street beyond the building line. A rope was made fast to the log and a hangman's knot — nine turns of the rope's end about the looped standing part — left dangling above the empty packing-case placed in position as a "drop."

"There yuh are!"

As the final moment approached the roughs threw aside all semblance of caution. Scattered through the crowd were many men who, while not actively allied with the Innocents, tolerated them as good fellows and free-spending, jolly partners on many a carouse in the saloons and honky-tonks that lined the gulch. Many of these men became infected with the spirit of Ives' companions and joined in their angry denunciations as the murderer was marched to the packing-box and Davis adjusted the noose about his throat.

"Turn him loose!"

"Banish him!"

"Cut the rope!"

"Shoot the God damned stranglers!"

"Hang Long John too! He peached on his pals!"

"Long John! Get Long John too!"

A rush toward the warehouse where Franck, Hilderman, and Crowell were still in confinement was repulsed by the guards stationed there and the men came surging back to shout new threats about the foot of the improvised gallows. Most terrible of all sounds is the muttering, throaty, often inarticulate roar of a leaderless mob!

The moon had risen and in its clear light every detail was visible — the doomed man on the box, the triple ring of guards around him, the grimly-lined faces of Sanders, Williams, Byam, Davis, and Hereford. As the sheriff of Junction leaped down Ives spoke.

"I am innocent —" he muttered the road-agents' password — "I am innocent of *this* crime."

He said no more. The next words that were spoken became the motto of the Vigilantes and are cast in letters of bronze on the base of the statue of Wilbur Fisk Sanders in the rotunda of Montana's beautiful state capitol.

"Men, do your duty!"

A hundred shotguns and rifles leaped to the shoulders of the guards. Unconsciously the crowd shrank back, those in the front ranks pushing against the men in the rear. There was a second's hush and two of the sentries — Nelson Story and Benjamin Ezekiel — jerked the box from beneath George Ives' feet. The killer of Thibalt

twitched once or twice and hung motionless in the silver moonlight, his head thrust over on his right shoulder by the bulky knot beneath his left ear.

"He is dead," announced Judge Byam solemnly. "His neck is broken."

CHAPTER XI

Vigilantes!

A MAN sat at an unpainted pine table in a closely-shuttered room of a house in Nevada. A candle standing on a battered tin dish in a miniature mountain of its own wax cast a flickering light on the paper in front of him. He wrote slowly, laboriously, with frequent pauses to dip his pen in the ink bottle or to study the words he had already set down. The pen scratched and sputtered in irritating fashion on the cheap paper, the writer lifted his hand and carefully changed a letter; but the other men in the room, their bearded faces revealed in bronzy lights and dark shadows by the fitful illumination of the candles along the log walls, waited patiently and in silence. Finally the penman rose to his feet. He cleared his throat and read slowly:

"We the undersigned uniting ourselves in a party for the Laudible purpos of arresting thievs & murderers & recovering stollen propperty do pledge ourselves upon our sacred honor

each to all others & solemnly swear that we will reveal no secrets, violate no laws of right & never desert each other or our standerd of justice so help us God as witness our hand & seal this 23 of December A D 1863."

He ceased reading and faced the others.

"Ain't that about what we want?"

No changes were suggested. One after another the men — twenty-four of them — bent over the table and placed their "hand & seal" on the document. The man that wrote it never signed. A blank space, obviously intended for his name, remains today on the stained paper.

The identity of that writer is unknown, lost in the lamentable anonymity that has cloaked so many incidents of those hectic years of Montana's infancy. John S. Lott is generally credited with the authorship of the "Vigilante Oath," but although it was left in his possession at no time during his life did Lott assert he had written it and the penmanship is noticeably unlike Lott's hand. Chief Justice Llewellyn L. Callaway of the Montana Supreme Court, a profound student of Vigilante history, has only recently become convinced that the document is not in the handwriting of James Williams. A comparison of the oath with letters written by Williams shows clearly that they were not penned by the same hand.

In a history of Montana written in 1913 it is implied, though not categorically stated, that Wilbur Fisk Sanders wrote and administered that oath to the signers. The thought is ridiculous. Sander's education absolutely precluded his mis-spelling such simple words as "stolen,"

"property," and "standard"; and no man of legal training and experience would use phraseology such as that employed in the oath. The handwriting is totally unlike that of the official prosecutor of the Vigilante organization.

To know who wrote those words would be interesting, but in the last analysis the identity of their author is an immaterial detail. The real significance lies in the fact that in the writing and signing of that oath was born the most remarkable, the most ruthless, and the most mercilessly just organization in the history of America.

Patterned after the Vigilance Committee formed fifteen years earlier by William T. Colman in San Francisco, but operating over a vastly greater territory, in less than six weeks from the time of its creation the Vigilance Committee of Montana had broken the entrenched power of an organized lawless element, had made the country safe to live in, and had demonstrated that law, order, and justice were to prevail in a region that as yet possessed no duly-appointed judiciary.

Lawless? Yes; unless one is willing to recognize the fundamental law of self- and community-protection. Ruthless? Yes; but they were dealing with an element that was unfit to live in any community. Merciless? Yes; but the times themselves were merciless and the cruelty of the Vigilantes was to prove that the weak had a right to survival equal to that possessed by the strong.

Who organized the Viligantes? The question is asked a dozen times daily of residents of Virginia City and in the library of the state capitol in Helena. No point in

Montana history has brought about more discussion and considerable ill feeling has resulted from efforts to fasten upon one individual the entire credit for the creation of the organization.

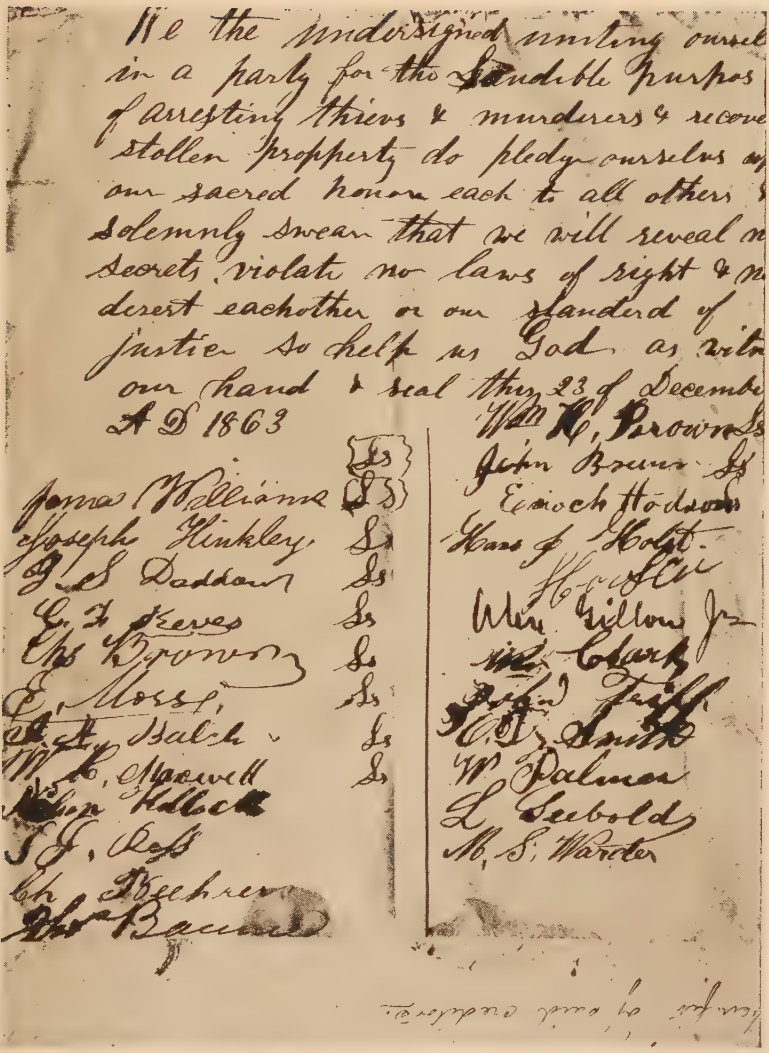
Dimsdale, writing while a resident of Virginia City in 1864, was in a position to ascertain the precise facts, but he never published his findings. He was told very bluntly to use no names and he heeded the injunction with a deplorable scrupulousness. He says:

"Two sister towns — Virginia and Nevada — claimed the honor of taking the first steps towards the formation of a Vigilance Committee. The truth is, that five men in Virginia and one in Nevada commenced simultaneously to take the initiative in the matter. Two days had not elapsed before their efforts were united, and when once a beginning had been made the ramifications of the league of safety and order extended in a week or two all over the territory. . . .

"The reasons why the organization was so generally approved, and so numerously and powerfully supported, were such as appealed to the sympathies of all men who had anything to lose, or who thought their lives safer under the dominion of a body which . . . has from the first acted with a wisdom, a justice, and a vigor never surpassed on this continent."

Nathaniel Pitt Langford, author of "Vigilante Days and Ways," was absent in the East throughout the entire period of the Committee's activity and accepts in its entirety Dimsdale's account of the creation of the organization.

So much for that. The popular conception in Montana today is based on an account written by Helen Fitzgerald Sanders, a daughter-in-law of Wilbur Fisk Sanders, in a



We the undersigned uniting oursel
in a party for the laudible purpos
of arresting thievs & murderers & recove
stollen propperty do pledge ourselves up
our sacred honor each to all others &
solemnly swear that we will reveal n
secrets violate no laws of right & n
desert eachother or our standerd of
justice so help us God as witn
our hand & seal this 23 of Decembe
A D 1863

Wm H. Brown Ss
John Brown Ss
Enoch Hodson
Hans J. Holst
Hoover
Wm Gillow Jr
Wm Clark
John Triff
C. D. Smith
W Palmer
L Seebold
M. S. Warder

Jonas Williams Ss
Joseph Hinkley Ss
J. S. Daddow Ss
G. F. Reves Ss
Chs Brown Ss
E. Moss Ss
A. A. Balch Ss
W. C. Maxwell Ss
Helen Hallock
S. J. Ross
Ch Beehrer
Thos Baum

A PHOTOGRAPH OF THE ORIGINAL VIGILANTES' OATH NOW IN THE LIBRARY OF THE STATE HISTORICAL SOCIETY, HELENA, MONTANA

subscription history of Montana published by her in 1913. On page 218 she writes:

"At this juncture (immediately following the execution of George Ives) five men in Virginia City and four in Bannack organized the Vigilantes. It happened in this way. A few nights after the hanging of Ives these men met in the back room of a store kept by John Kinna and J. A. Nye. Paris S. Pfouts was chosen president, Wilbur F. Sanders, official prosecutor, and Capt. James Williams executive officer. When the formalities were over the lights were extinguished. In total darkness, standing in a circle with hands uplifted, Colonel Sanders administered this oath. . . ."

The oath that was mentioned earlier in this chapter is then quoted. Who, one might ask, were the "five men in Virginia City and four in Bannack" who apparently acted simultaneously in the organization of the Vigilance Committee? The facts that Bannack and Virginia City are seventy-five miles apart, that telegraphic communication was non-existent, and that Wilbur F. Sanders himself states explicitly that the oath he administered at one of the early meetings was an extemporaneous one and of a totally different nature, combine to indicate how worthy is that account of serious consideration.

No historian has made any effort to correlate the evidence that exists. Dimsdale's narrative, indefinite though it is, more nearly approaches the truth. They are dead who warned the Virginia City teacher and editor to keep silent as to names and dates; their injunction no longer holds and the story can be told.

While the trial of Ives was in progress five men held a

meeting in Kinna & Nye's store in Virginia City and determined on the formation of a Vigilance Committee. This secret meeting was probably held on December 20, 1863, and the five were Paris S. Pfouts, Nicholas Wall, Alvin W. Brockie, John Nye, and Wilbur F. Sanders. All except the last were residents of Virginia City. Sanders made his home in Bannack.

"We agreed to hold another meeting the following night," says Pfouts in describing the event, "and each one of us was to bring such other gentlemen as were willing to unite with us in the cause, but the utmost caution was to be observed in inviting none but those known to be trustworthy."

Pfouts does not mention the proceedings of this second meeting, but there can be no doubt that it was held and that at it further steps were taken in the matter of organization. The indications are that it was this second meeting of which Dimsdale was informed and that John S. Lott was the "one man from Nevada" mentioned by him. The holding of this second meeting is practically, though not categorically, confirmed by Adriel B. Davis, who writes:

"In about three days after the hanging of Ives, the original Vigilance Committee, that is, the first twelve, were sworn in as Vigilantes in Fox's blue house, which formerly stood where the Masonic Temple is now on Wallace street in Virginia City. . . . The meeting was called by Paris Pfouts and Sanders. When we got there it was suggested that we organize a Vigilante Committee for self-protection."

He mentions that those present included Wilbur F.

Sanders, Paris S. Pfouts, James Williams, J. M. Fox, A. B. Davis, John S. Lott, and

"a young man who clerked in McClurg's store, whose name I have forgotten and can't get, but he was from California and was the one who administered the oath to us. The question arose as to how we should organize and this man from California suggested he had the oath and told us what the particulars were and how the committee was organized in California and he suggested organizing on the same principles, which he did, and he administered the oath."

No mention, one will observe, of extinguished lights or of any obligation being administered by Sanders; but it is apparent that the organization had been expanded to include at least twelve men already sworn and that it was subsequent to the meeting of December 23rd at which the men of Nevada organized and signed the oath quoted at the beginning of this chapter, the only dated and actually contemporaneous documentary evidence of any of these first Vigilante meetings.

The fact that a number of meetings were held is further borne out by Pfouts' narrative:

"An oath of secrecy was administered to all, and a plan of organization discussed. I and Colonel Sanders were for immediate and decisive action, but no conclusion was definitely arrived at. We continued our meetings and in the course of three or four days the number was increased to about fifty, and all among the best and most reliable citizens of Virginia City and in the mining camps surrounding it, when they resolved upon the selection of a president or 'chief.' Other engagements prevented me from being present when this selection was made and I was astonished to learn that I had been

selected as the head of the Committee, with full power to organize and control the whole."

It was at the meeting mentioned by Davis and Pfouts that the "Regulations and Bye Laws" of the Vigilantes were submitted and adopted. Their author is also unknown. The nameless clerk in the employ of J. E. McClurg is believed to have penned them, basing them upon the constitution of the California Vigilance Committee with which he was familiar, and here and there in their phraseology one can trace the legal training and acumen of Sanders. Oddly enough, none of the historians of Montana appear to have considered these regulations worth publishing, although several have quoted — with careful revision of original spelling and with editorial punctuation — the original oath. As an historical document the constitution, in the precise hand of the unknown clerk, is priceless. Here it is, as it was read to those earnest men that winter night between Christmas of 1863 and New Year's Day of 1864:

REGULATIONS AND BYE LAWS

"This committee shall consist of a President or Chief, an Executive Officer, Secretary, Treasurer, Executive Committee, Captains and Lieutenants of Companies and such gentlemen of known worth and integrity as the Captains, Lieutenants, and other officers enumerated above may deem worthy of being made members.

"The President shall be the supreme ruler of the Committee, shall reside in Virginia City, and shall have power

to appoint Captains to raise Companies wherever and whenever he deems the interest of the Committee require the same, to call together the Executive Committee whenever the same should be convened to order the arrest of any suspicious or guilty person, to preside at all meetings whenever present, and to have such other powers as would naturally devolve upon one occupying his position.

" A majority of votes of the Executive Committee shall constitute an election for President, and he shall hold his office until his successor is appointed and accepts the position.

" The Executive Officer shall have the government and control of all Captains, Lieutenants, and Companies, shall see that all orders of the Chief and Executive Committee are duly executed, shall have the selection of all persons sent out upon any expedition by the Executive Committee and choose a leader for the same and in case of the death or absence of the chief shall assume the duties of the office of President, until a new President is chosen.

" The Secretary shall keep a correct record of all things proper to be written, the names of the Chief, Executive Officer, Secretary, Treasurer, Executive committee, and the names of Captains and Lieutenants of Companies.

" The Treasurer shall receive all monies belonging to the Committee, keep a true account of the same and pay them out again upon orders of the Executive Committee attested by the Secretary.

" The Executive Committee shall consist of seventeen members, to wit: The President, Executive Officer, Treas-

urer, Secretary of the Committee, four persons to be selected from Virginia City, three from Nevada, one from Junction, one from Highland, one from Pine Grove, two from Summit, and one from Bivins Gulch, any eight of whom shall constitute a quorum. It shall be the duty of the Executive Committee to legislate for the good of the whole Committee — to try all criminals that may be arrested, to pass upon all accounts that may be presented, and if just to order the same paid by the Treasurer and to take a general supervision of all criminal acts that may be committed within this Territory or come under their notice.

" The Captains of Companies may be appointed by the President or the Executive Officer, who shall hold their offices until elected by the Companies themselves, every Captain shall have power to appoint one or more Lieutenants — the Captains and Lieutenants shall have power to recruit their companies from men of integrity living in their midst, and when any one Company outside of Virginia City numbers over fifty effective men a division should be made and two companies formed from the same and officers elected from each.

" It shall be the duty of members to attach themselves to some company and whenever any criminal act shall come to their knowledge to inform his Captain or Lieutenant of the same, when the officers so informed shall call together the members of his Company, (unless the Company has chosen a committee for such purpose) when they shall proceed to investigate the case, and elicit the facts and should the said company conclude

that the person charged with any offense should be punished by the committee, the Captain or Lieutenant will first take steps to arrest the Criminal and then report the same with proof to the chief who will thereupon call a meeting of the Executive Committee and the judgment of such Executive Committee shall be final.

"The only punishment that shall be inflicted by this Committee is DEATH.

"The property of any person executed by this committee shall be immediately seized upon and disposed of by the Executive Committee for the purpose of paying the Expenses of the Committee, and should the persons executed have creditors living in this Territory it shall be the duty of the committee to first pay the Expenses of the Committee and Execution & Funeral Expenses, afterwards to pay the residue over to some one for the benefit of said creditors."

For years the identity of the members of the organization was carefully concealed. Dimsdale actually mentions only one, Biedler, and cloaks him under his nickname of "X." Langford mentions a few, a very few, of the leaders of the movement. Few realize that at one time or another the major portion of the respectable citizens of that section of the country was included on the Vigilante rolls, either as supporters, as contributors to the expenses of the organization, or as active members of some one of the many companies. Not all of them rode on the raids and there was no one man who participated in all of the reprisal expeditions, but names crop up when

least expected and we know that many were affiliated with the Vigilance Committee who did not take an active part in any execution.

In a previous chapter the names of thirty-eight members of the Plummer gang were listed. To balance those thirty-eight "Innocents" there might be set down the names of a few of the "Exterminators." The majority of these were members of the Alder Gulch organization, others are from Bannack.

Paris S. Pfouts	Thomas Baume
James Williams	J. S. Daddow
Wilbur Fisk Sanders	Joseph Hinkley
John S. Lott	C. F. Keves
Richard McLaren	Charles Brown
Adriel B. Davis	Elkanah Morse
Alvin W. Brockie	I. H. Balch
Nicholas Wall	W. C. Maxwell
John Nye	Nelson Kellock
J. M. Fox	S. J. Ross
Robert Hereford	Charles Beehrer
Augustus F. Graeter	William H. Brown
Neil Howie	John Brown
John Fetherstun	Enoch Hodson
John X. Biedler	Hans J. Holst
Alex Gillon, Jr.	John Triff
William Clark	A. D. Smith
L. Seebold	William Palmer
William Roe	M. S. Warder
William T. Morrow	Nelson Story
George Gohn	E. P. Eaton
George Irvin	Anton M. Holter
G. W. Harrison	Harry King

There were many, many more, but on that list are all the leaders of that valiant band.

Had all of the Vigilantes been men of the caliber of John X. Biedler or Charley Beehrer — unquestionably brave but with a strain of savage delight in slaughter as dominant as the barbarity of a Chiricahua Apache — one might readily find criticism of their lawless law as bloodthirstiness. But this condemnation is nullified by the presence on the avengers' rolls of such men as Sanders, Pfouts, and Lott. Men of education, men of breeding, men who were accustomed to careful deliberation before deciding on a course. Had organized law existed in the new territory there can be no doubt but that it would have been invoked and no execution held except as a result of court trials. But the only law was that which they themselves had created and represented — the law of right and justice in opposition to unchecked murder, rapine, and pillage. And one thing more must be considered. No man, with the possible exception of Joseph A. Slade, suffered capital punishment at the hands of the Vigilantes who had not earned every inch of the rope that swung him into eternity. The entire list, from Ives to Hunter, was a roster of gun-men, murderers, cutthroats, and thieves.

The first day of the Executive Committee, after the adoption of the "Regulations and Bye Laws," was the ratification of the election of Paris S. Pfouts as president, James Williams as executive officer, and Wilbur F. Sanders as official prosecutor. These three, with John S. Lott, the treasurer, were the outstanding figures of the Vigilantes. Sanders won his spurs during the trial of George Ives. Pfouts was one of the leading merchants

of Virginia City, a man of unquestioned standing in the community, of poise, and of wise counsel. Lott was also a merchant, in business with his brother Mortimer in Nevada. He was a magnificent executive and organizer as well as a field leader.

Williams — "Captain Jim" Williams — was the real head of the Vigilantes. Sensitive, shy, self-effacing, he hurled himself into the work with the savage intensity of his Covenanter forbears and when that work was done he retired to his ranch on Williams Creek and shunned any aggrandizement. Dimsdale's papers conceal his identity, mentioning him only by indirection as the "leader" or "captain" of the various expeditions, and Langford accords him scarcely more publicity.

The schoolmaster-historian's failure to recognize Williams is due primarily to "Captain Jim's" stubborn refusal to make a five hundred dollar contribution which Dimsdale endeavored to levy towards defraying the cost of bringing out his papers in book form in 1866.

"They had an idea I had some leather in me, I guess," was the only explanation ever given by Williams of how he was drawn into the Vigilante movement. Leather! Today's vocabulary knows a shorter but scarcely less expressive synonym for unfailing courage and high-hearted, unswerving determination!

James Williams was a Pennsylvanian, born on a farm nine miles from Greensburg, Westmoreland County, on January 9, 1832. He was twenty-three years old when he left for Rock Island (then known as Rock Island City) Illinois, where he lived for almost two years. His prog-

CAPTAIN JAMES WILLIAMS, THE VIGILANTES' EXECUTIVE OFFICER

ress westward was slow. A year or more in Kansas, a similar residence at Pikes Peak, Colorado (all Kansas when he was there in the early '60s) and then north and west across Colorado, Wyoming, and Utah to the new gold discoveries on Grasshopper Creek. It was while on this trip that he earned the honorary title of "Captain" that clung to him all his life. It was given him by his fellow travelers for his valiant leadership in repelling Indian attacks upon the wagon-train he was heading. He arrived in Bannack on June 20, 1863, but remained there only a week or ten days before moving on to Alder Gulch and opening a corral and livery business in Nevada. His ranch was on Williams Creek, five or six miles from Alder Gulch.

A dreamer, was James Williams. Uneducated, inarticulate, reticent; yet within his soul flamed the high idealism of a Bayard or a Mazzini. Fame, and in several cases political preferment, were the rewards of others whose part in bringing law and order into the territory was less prominent than his. He asked permission only to return to the plough he had left standing in the furrow; content with the realization of a mission accomplished and a work well done.

He possessed an almost uncanny faculty for appraising men. A few words, sometimes only a glance, would tell him infallibly which of three or four suspects was the weakling and the most liable to tell all he knew. Ninety percent of the confessions made by captured bandits are directly traceable to this ability of Williams and his shrewdness in questioning the prisoners.

Under ordinary circumstances he was the mildest and most gentle person imaginable. His sons have told of pranks they played on their father — one of them was the substitution of a ball of mud-plastered straw for the chew of tobacco he had laid aside while getting a drink at the well — and with what good spirit he retaliated when possible or took the joke on himself. But when his anger was once roused he was berserk, fury, and tiger combined. His blue eyes turned as black as jet, his voice grated like steel on steel, and men who boasted that they could not be backed down stepped quietly out of his path or gave up their weapons at his command.

As brave as a lion when confronting a physical enemy — one to be conquered by force of character or of arms — his idealist's soul yielded in battle with the less tangible foe of financial and domestic worries. On February 21, 1887, discouraged and sick at heart, he crept like a sorely-wounded animal into a thick tangle of brush along a creek bottom on his ranch, drained a bottle of laudanum, and lay down to sleep.

A doggerel verse marks the tablet placed to his memory in the rotunda of the state capitol in Helena.

> "The sluice was left unguarded
> When Williams' work was done,
> And trails were safe for honest men
> Through victories he had won."

Three days had been consumed by the trial of George Ives but scarcely as many hours were necessary to dispose of the cases of Hilderman, Franck, and Crowell who had been arrested at the same time as the murderer of Thibalt.

No evidence was produced to implicate "Old Tex" Crowell and he was discharged with a warning to be more careful of the company he kept. "Long John" Franck, having aided the prosecution by his testimony, was also freed.

Hilderman was an old man, almost feeble-minded, and every member of the prosecution felt that to hang him would react most unfavorably against the new justice that they had brought into the region. He was sentenced to be banished.

"And if you show yourself anywhere in this part of the country after New Year's Day," Sanders warned him, "you'll be shot on sight!"

Hilderman, his bony fingers clawing nervously through his straggling gray beard, made a feeble protest.

"I ain't got no horse 'r mule," he complained. "Where kin I go?"

A miner made instant reply and suggestion.

"Yuh can go t' hell f'r all we care!" he roared.

The crowd laughed and several men volunteered to assist the exiled man on his journey. Hilderman departed from Alder Gulch before nightfall and never appeared again in Montana.

It was Hilderman, by the way, who was the original of the often told story of the "Great American Pie-biter." He had a huge mouth — almost a malformity — and powerful prognathous jaws. He had on several occasions demonstrated his ability to bite through six or more pies at once, and while living in Bannack eagerly accepted a bet that he could not repeat the performance. The pies

were produced, stacked one on the other, Hilderman opened his cavernous mouth to its widest extent, and the pastries were crowded in. He shut down on them, completely confident of his ability, but failed to complete the bite. Two of the pies had not been removed from the tin plates on which the baker had placed them!

The testimony of Franck had shown clearly that while George Ives had fired the shot that killed Thibalt Aleck Carter was almost equally guilty, and the first expedition of the Vigilantes was for the purpose of capturing this man. Steve Marshland and "Dutch John" Wagner were also on the list, having been identified when they held up Moody's pack-train on December 4th.

Williams, as executive officer of the Vigilantes, commanded the party that rode out from Alder Gulch a day or two before the new year. Behind him, trotting two and two or in small groups, were more than twenty men, a cavalcade that was strung out for a considerable distance. They made a camp at the Beaverhead Rock and worked northward through the McCarty Mountains with Deer Lodge Valley as their destination. As they were jogging down the valley of Deer Lodge Creek they met a horseman coming from the opposite direction. The man, Erastus Yeager, nicknamed "Red" on account of the fiery hue of his hair and whiskers, was a native of Iowa and was known to many of the party. At the time, however, he was not suspected of being allied with the bandits.

"We're looking for Aleck Carter," Williams told him. "Have you got any idea where he or any of his friends are hanging out?"

"Sure! There's a whole gang of 'em at Deer Lodge—all of 'em drunk. Carter's there and so is Bill Bunton and Whiskey Bill Graves. They all went to a ball up there and were thrown out for raising so much hell. They know you fellows are coming after them but they're not moving on. Bill Graves said they were good for any thirty of the Stinking Water sons of biscuits."

"He may find out different before he's much older," said Williams mildly. "Thanks, Red."

Yeager was permitted to depart but was halted in friendly fashion by other riders along the line. Three or four thought to ask him what he was doing in that section of the country and his explanation, as was afterwards discovered, varied each time he told the tale. The posse timed their arrival at Deer Lodge, then known as Cottonwood, so as to arrive at dusk and take their prey by surprise. But when the settlement was reached the quarry had disappeared.

"They got word you fellows were on the way," Tom Reilly, at whose ranch the outlaws had camped, told Williams. "Red Yeager come over here with a letter sayin' 'Get up and dust and lie low for black ducks,' and they all went over the divide last night! The letter's around here somewheres."

He found it and the missive was passed from hand to hand.

"That's George Brown's writing!" one man exclaimed with certitude.

"So Bill Bunton said," remarked Reilly calmly. "He told Carter it was from Brown and that George knew

what he was talkin' about and they all piled out to the corral and saddled up."

"Red Yeager, eh," said Williams speculatively, carefully folding the damning evidence of the warning and placing it in his pocket. "So it was Red Yeager that brought the word!"

"He claimed he killed two horses comin' over here," Reilly volunteered.

The party spent the night at Deer Lodge and the following morning started back for Alder Gulch. It was bitterly cold and for three days they fought their way through blinding snow storms and deep-piled drifts in the mountain passes. They suffered intensely but no man weakened and there were no lack of volunteers to go after Yeager when they learned, while camped once more beneath the shadow of the bluff mass of Beaverhead Rock, that the man who had misled them was at Rattlesnake, twenty miles up the river. Williams took five men and followed the messenger who made no resistance nor offered any protest when a revolver was flashed in his face and he was ordered to pack his blankets and accompany his captors.

"We're taking you to Virginia," Williams told him.

Yeager was lashing his bed-roll at the time and for a moment remained motionless. Then, with steady hand, he completed his task.

"Virginia," he said softly as he straightened his back. He seemed to realize instinctively the significance of Williams' words and accepted the situation with a fatalism almost Oriental in its calm.

Buck Stinson and Ned Ray, Plummer's Bannack deputies, were at Rattlesnake when Yeager was apprehended, and the fact that these two "Innocents" were permitted to depart is proof positive that at that time the Vigilantes had no accurate knowledge of the personnel of the bandit organization. The posse rode on with Yeager to Robert Dempsey's Cottonwood ranch on the west bank of the Passamari and there arrested George Brown, whose ostensible vocation was that of bartender and general handy-man at the resort.

Brown was a craven soul — valuable as a spy to the Innocents but completely lacking the courage to commit crime himself. He and Yeager were questioned separately, then confronted with each other and an explanation demanded of the discrepancies in their stories. Brown admitted writing the letter of warning to "the boys" and despatching it by Yeager as soon as he had learned of the Vigilante expedition. The guilt of both men was apparent. A guard was placed over them and the balance of the party retired to the bridge a short distance from the ranch-house.

"Boys," said Williams, "every one of you has heard all the evidence in this case and I want you to vote according to your consciences. If you think Yeager and Brown are guilty and should swing, say so. If you feel we ought to turn them loose, vote that way.

"Now, all in favor of hanging those two walk over to the right side of the bridge. Those voting for acquittal go to the left side!"

The entire command marched as one man to the right

side of the span and the doom of the guilty pair was sealed. It was decided to take them on to Virginia City, but as Dempsey's was a favorite hang-out of the bandits the posse moved on to Laurin's ranch on the opposite side of the Stinking Water near the mouth of California Creek.

Dimsdale made a curious error in this connection. The huge old Frenchman who lived there had been in the country for years as a storekeeper and Indian trader. His name was Laurin and appears in that form on his tombstone in the cemetery a few miles away on the east side of the present highway to Virginia City. Local usage, however, had corrupted the French pronunciation to "Lory." Dimsdale must have heard it as "Lory" and "Laur-in" and in his papers wrote it "Lorraine." Langford made it "Lorrain," and either in those two forms or as "Lorain" the name of the ranch has appeared in every subsequent reference to the location.

Williams and eight men remained with the prisoners while the balance of the party rode on to Virginia City to confer with Pfouts and Sanders and obtain approval of their course. They returned about ten that night, January 4, 1864, and awakened Williams who was snatching an hour or two of badly-needed sleep.

He rose at once and roused Yeager and Brown who were sleeping in the bar-room of the stage station. No explanation was necessary.

"You've treated me all right," said Yeager, "but my time's up. I'm going to be hanged."

"It's pretty tough, Red," said Williams, not entirely

unsympathetically, "but you should have thought about that before."

The doomed man shrugged his shoulders.

"Yes, it's tough," he said slowly, "but I earned it years ago. There's plenty in the gang worse than I am, though. I know them all and I'd die happy if I knew they were going to swing too. I'm not saying this to get off, either!"

"It won't get you off, Red," answered Williams, "but if you really want to help you can tell what you know. There's been too many killings and robberies, and we're going to put a stop to them."

"It's about time," said the messenger. "No country ever had a tougher gang. I know them all."

He was silent for a moment and then spoke again, slowly and softly. Only those who stood near him heard his words — terrible in their bitter hatred.

"Bill Hunter got me into all this — God damn his soul! Get him it you don't get another one!"

The capture of Yeager was by far the most important ever made by the Vigilantes. He waited while Williams obtained paper and pencil, and as the other members of the posse, their guns gleaming in the candle-light, crowded into the room, the messenger of the Innocents told his story!

"The 'chief,'" he began, "is Henry Plummer!"

An involuntary movement of surprise on the part of practically every man in the room checked him.

"Henry Plummer!"

"The sheriff!"

Yeager's lip curled as he nodded.

"Yes, Henry Plummer! He's fooled you too, eh? Well, he's fooled plenty people, but he's the chief. You'll find out I'm right. And the others — "

He gave name after name, pausing to afford Williams time to write them down. The list, as dictated by him, was afterwards repeated to Dimsdale, published by the schoolteacher, and has been copied, verbatim, by every person who has ever written of the Vigilante days. There seems to be an unwritten law against altering or editing it in any particular. Here it is once more:

"Plummer was chief of the band; Bill Bunton second in command and stool pigeon; San Bunton, roadster (sent away for being a drunkard); Cyrus Skinner, roadster, fence, and spy. At Virginia City, George Ives, Stephen Marshland, Dutch John (Wagner), Aleck Carter, Whiskey Bill (Graves) were roadsters; George Shears was a roadster and horse-thief; Johnny Cooper and Buck Stinson were also roadsters; Ned Ray was council-room keeper at Bannack City; Mexican Frank and Bob Zachary were also roadsters; Frank Parish was roadster and horse-thief; Boone Helm and Clubfoot George were roadsters; Haze Lyons and Bill Hunter were roadsters and telegraph men; George Lowry, Billy Page, Doc Howard, Jem Romaine, Billy Terwilliger, and Gad Moore were roadsters."

Yeager told of the organization of the Innocents, of their passwords, the style in which they wore their neckkerchiefs, and their distinctive fashion of shaving. His fellow-prisoner, Brown, he said, held the post of corresponding secretary in the organization. He furnished de-

tails of stage-coach robberies and holdups and of lesser crimes of which the Vigilantes knew nothing at that time. Of the men whose names he mentioned only one, "Mexican Frank," cannot be identified. It appears in no other place in the history or tradition of the period, a detail which appears to have escaped the notice of historians. The only Mexican name that one encounters — and that one is not on the Yeager list — is Joe (José, probably) Pizanthia.

While Red was making his sweeping revelations the miserable spy Brown was begging piteously for mercy, interrupting his comrade again and again with prayers for the squaw and the family of half-breed children he had left in Minnesota. Even Yeager rebuked him, saying quietly:

"If you'd thought of all that three years ago, George, you wouldn't be in this fix now or be giving the boys all this trouble."

Two tall cottonwoods a few hundred yards from the ranch-house were chosen as the most suitable gallows. A man swarmed up the trees and by the light of a lantern held aloft by one of his fellows lopped off several of the lower branches that might possibly interfere with the ropes. Two stools were carried from the bar-room and placed one on top of the other to serve as a drop.

Brown sobbed all the way to the scaffold but mustered a little manhood as his arms were pinioned and he was lifted to position on the stools. As one of the Vigilantes was adjusting the noose about Brown's throat he stum-

bled against the doomed man and the pair fell sprawling into the snow. The Vigilante immediately helped the other to rise and apologized for his awkwardness with words which Brown probably failed to appreciate.

"We've got to do better than that, George!"

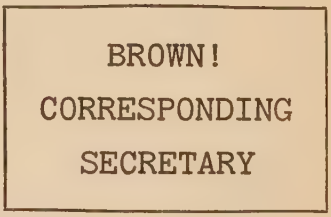
Yeager stood by unmoved as his comrade, with a shout of "God Almighty save my soul!" on his lips, was hanged. When his own turn came he shook hands with all of his executioners and climbed bravely to the scaffold. Williams asked him if he had any last requests.

"Only that you keep on and get the rest of the gang!" answered Yeager.

"Red," said Williams earnestly, "we'll do it if there's such a thing in the book!"

"Good-by, boys," said Yeager. "You're on a good undertaking. God bless you all!"

The stools were kicked from beneath his feet and he died without a struggle. Before they left the spot the Vigilantes fastened a placard to the coats of each of the dead men.



As they rode on through the night towards Alder Gulch the men of the posse gave little thought to the grim duty they had just performed or to the two bodies that were

to hang for five days before being cut down and buried. A single thought was in every mind — the astounding confession that Yeager had made — and one name took precedence of all others on their lips.

Henry Plummer!

CHAPTER XII

The Storm Breaks

NEWS in primitive communities travels with marvelous swiftness. A frontiersman will learn of trivial events taking place fifty miles away far more promptly than a city-dweller will hear of a murder in the next block. The first counts all men in the same section of the country his neighbors. All who pass his door or the field or mining claim where he is working stop and pass the time of day. He talks with them all and retails the news he receives to all others he encounters. The city-dweller is one of a crowd and from that crowd holds himself aloof. Living in the intimacy of canned sardines with thousands of his fellows he clings to a fictitious privacy by knowing none of them. For news of his own neighborhood he depends upon the newspapers.

No man can explain the method by which Bannack learned so promptly of the execution of Brown and Yeager on the Stinking Water but the sun had not set upon their swinging, stiffened bodies before the tale of

their hanging, exaggerated as to details but fundamentally authentic, was being passed from mouth to mouth in the town on Grasshopper Creek.

Presently — borne by the winds for all any man knew to the contrary — came the rumor that "Red" had talked; that complete details of the road-agent organization and a list of its members and the crimes of which various individuals were guilty were in the hands of the men who had pledged themselves to the eradication of the bandit group that ruled the country with so high a hand.

Henry Plummer heard the news as soon as anyone in Bannack. It was probably his own remarkable and efficient spy system that was responsible for its rapid transmission. His greeting to the men of the town — to Charley Chrisman, to Smith Ball, to Sidney Edgerton, and the others — was as cordial as ever, but there was a tiny spot of cold fear in his heart as they returned his salutations. He knew these men were not members of the Innocents; therefore they must be Vigilantes or in sympathy with the Vigilante movement. Did they suspect him, he asked himself. And, more vital still, how much did they know? Was Judge Edgerton's dignified acknowledgment of his greeting prompted by an hypocrisy equal to the sheriff's own? It was a cold day — early January — but the chill that ran down the officer's spine and caused him to draw his coat more closely about his shoulders was not entirely due to the icy winter air. Nor was a lack of appetite at breakfast responsible for the peculiar empty sensation at the pit of his stomach.

Henry's disturbed condition was caused by the sudden resumption of functioning on the part of an organ he had considered completely atrophied. An endocrine gland had developed a duct. His conscience was again at work!

"I don't like it," he said quietly to Buck Stinson and Ned Ray when he and those two worthies met in Percy & Hacker's saloon. "I don't like it a bit. They — " and neither of his hearers asked who "they" were — "got George Ives and they were going after Aleck Carter or Steve Marshland and Dutch John for the Moody job when they picked up Yeager and Brown."

"And 'Red' talked!" interjected Stinson.

"And we don't know how much!" supplemented Ray.

"If he talked at all he probably talked plenty," Plummer observed. "It looks as though things might get hot around here in spite of the cold weather we're having. I'm in favor of leaving Bannack to worry along by itself — for a while at least. She's a good town, but I don't like the climate!"

He raised his hand and loosened his coat collar, unpleasantly tight about his throat. There was a trace of querulousness in his tones as he called for a drink to be brought to the table where they sat. None of the three spoke until the bartender had retired. Without words they arrived at a common decision.

"I'll send Billy Bunton or the first one of the boys I can get hold of out to Rattlesnake for the horses," said Stinson at last. "Where are we heading, chief, Salt Lake City?"

Plummer nodded.

"Lewiston and Walla Walla are played out — for us. I like the country there, but it doesn't like me! Yes, I think it'll have to be Salt Lake City — and then east!"

He drained the glass that stood before him and left the saloon, stopping on his way up the street at the store conducted by Francis M. Thompson and depositing with him two heavy sacks of gold-dust and a roll of greenbacks.

"Put these in the safe for me, will you, Frank? I may want it back myself or I may send it on to my wife by next week's stage. I'll let you know in a day or two."

The day or two passed with no further alarming developments and the sheriff's fears were somewhat allayed. Everything seemed about as usual in the town. Wilbur Sanders had returned from Alder Gulch with an accurate account of the trial and execution of George Ives for the murder of Thibalt. Tough on George! He'd died game, though. Hadn't peached on his pals like Red Yeager had. Oh, well ——

Then, on Saturday morning, three horsemen rode into the town. One of them, riding between the other two, disarmed, and with his every move closely watched, was "Dutch John" Wagner, Steve Marshland's colleague in the holdup of the Moody pack-train, and still bearing in his shoulder the wound that had been given him by Moody on that occasion. The other men were Neil Howie and John Fetherstun. Howie had captured Dutch John below Dry Creek Cañon on the Salt Lake road north of Snake River.

He was a gloomy, sinister figure, this "Dutch John" Wagner. A German, speaking English very imperfectly,

his bovine, phlegmatic exterior concealed all the unimaginative, relentless ferocity of a Hun. Light humor was no part of John's nature, meant nothing in his attitude towards life. He could not appreciate the lighter things — such subtle japes as that perpetrated by Ives and Gallagher when, with some kindred Innocents, Dutch John among them, they had robbed and killed a trader on his way to the Mormon settlements, got roaring drunk on the whiskey the slain man carried in his wagon, and decided to hold an inquest on the corpse.

"Here's a feller been killed," one shouted. "'S a case of death b' vi'lence. Gotta be law-'bidin' cit'zens. Can't bury no case of death b' vi'lence 'thout a inquesh!"

The jury — six bad men and untrue — were designated by the self-appointed coroner. It was their duty, they were told, to sit on the case and determine the cause of death.

"We sit on th' corpsh, huh?"

"Shore we do!"

And *sit on the corpse* they did — all six of them — their bottles in their hands, and with all the solemn deliberation of which drunken men are capable decided that the deceased met his regrettable fate as the result of acute lead poisoning!

Such delightful jests and merry quips were incomprehensible to Herr Wagner. His mind traveled along a more serious single track and when he heard that Red Yeager and George Brown, the well-known messenger and corresponding secretary, had been seen wearing hempen neckties that had been designed for his adorn-

ment he decided to leave the country with no further delay. The swiftest method of transportation known to him was a splendid gray horse at the ranch owned by Martin Barrett and George Shineberger on Horse Prairie Creek. Some days previously he had tried to trade his buckskin mount for the gray but Barrett would not consider the swap. So John sold the buckskin to Tom Pitt, loaded his saddle on his own broad back, and started afoot for Horse Prairie. If the world owed him a living surely Mart Bennett could assume such portion of the debt as was covered by a good gray horse!

John's reasoning was faulty. Barrett and Shineberger had heard of the proposed transaction and Barrett trailed him in the snow from Bannack to the ranch where Dave Melton had put the gray in the stable. They gave John an hour to get out of sight and forced him to part with his saddle, bridle, and a .45 revolver as trade for an old sore-backed mule. He was permitted to retain only a single-shot Henry rifle as armament. John made the best of a very poor bargain and hit the trail for Salt Lake City. Ben Peabody recognized him at the Dry Creek Ranch and told Neil Howie, whom he met a few miles further on. Neil determined that Dutch John should be arrested and brought to Bannack for trial.

Howie was a small man — almost diminutive beside the hulking figure of the swarthy German. He could obtain no help from the men of either Peabody's train or his own and was compelled to tackle the job single-handed. As John passed him he called to him to "wait a minute," and then calmly walked toward the desperado. When

Howie was only a few feet distant Dutch John started nervously and tightened his grip on the rifle that was balanced across the mule's withers. Too late! One quick though unhurried stride brought Howie too close for the gun to be brought to bear on him. Neil's hand was in his belt — and he had the reputation of being a very fast and exceedingly accurate shot.

"Give me that gun, John, and climb down off your mule!"

Dutch John Wagner was no coward. Physically he was a match for three or four men like Howie, but he had never been compelled to face a purely moral courage such as that he now confronted. For a second or two he glared at the smaller man, then — with all of the road-agent's aversion to anything approaching an even break — he meekly passed over his weapon to the fearless Howie. John Fetherstun volunteered to aid in bringing the prisoner into Bannack and the trio arrived on Saturday, January 9.

Plummer made a half-hearted attempt — a gesture he realized was futile but which might serve to impress the Innocents — to have the prisoner turned over to him. When Howie and Fetherstun refused with far more force than politeness the sheriff murmured something relative to the compulsion of *habeas corpus* and turned away. His own plans were made; he had no interest whatever in the fate of Dutch John.

"Get those horses!" he commanded Stinson. "Send somebody out right now and bring 'em in in the morning. Our game's played out here!"

Sunday dawned bitterly cold. The capture of Dutch John was discussed over every breakfast and over hot drinks in every saloon. A prevalent rumor was that he had been grilled for hours by his captors and several of the leading citizens of the town; that he had finally broken down and confessed, making a statement as sweeping in its incrimination as that of Red Yeager, the complete scope of which was as yet unknown.

" Vigilantes! " was on every lip, and on the heels of a rumor that a branch of the law-enforcement organization had been formed in Bannack came a report that a group of the men who had hanged Ives, Yeager, and Brown were on their way from Alder Gulch.

Henry Plummer was everywhere that afternoon. He strolled with apparent carelessness from saloon to saloon. He talked with this man and that — doctor, lawyer, merchant, and thief — weighing rumor against rumor, report against report; outwardly as affable and unperturbed as ever, inwardly analyzing, rejecting, and forming his own opinion of the attitude of his fellow-townsmen and the degree to which suspicion had been directed against him.

He realized that his incumbency of the Bannack shrievalty was drawing to a close, but he was still " chief " of the " Innocents! " No man had yet risen to dispute that leadership. Convinced that a party was on its way from Alder Gulch he dispatched eight of his most choice ruffians to meet them before they reached Grasshopper Creek.

It was late afternoon when Mr. Plummer's reception committee tied their horses in an alder thicket and hid

beneath a bridge four miles out of Bannack. No man was equipped with a thermometer but they knew that the country was in the grip of the coldest weather that the winter had thus far produced. Since New Year's Day temperatures of from twenty to forty degrees below zero had prevailed. It was bitterly, piercingly cold and as the sun dropped below the western mountains it grew colder. The outlaws dared not light a fire. They crouched beneath the bridge, endeavoring to keep some semblance of warmth in their bodies by huddling close to one another, listened for the clatter of hoofs on the frozen road, and cursed the man who had sent them on the mission.

"He's back in Bannack, takin' it easy by th' stove in some saloon while we're out here freezin' to death!" they grumbled through chattering teeth.

Two of the men left the hiding place and ran up and down the rutted road, swinging their arms vigorously to quicken their circulation. At the crest of the ridge two hundred yards away they paused, peering into the darkness that had now gathered, and listening attentively. There was no sound except the whine of the chill wind through the brush and the dry, almost metallic crackle of the frozen branches.

"Hell! They ain't comin'. Plummer's crazy!"

The balance of the party, slowly freezing to death beneath the bridge, gleefully accepted the proposal that they return to Bannack and report the non-arrival of the expected posse. They ran to their horses and raced pell-mell through the darkness toward the light and warmth

of the town. Thirty minutes after their departure four men, John S. Lott in the lead, pounding steadily through the night, clattered over the bridge! In Lott's pocket was an order from the Vigilance Committee of Alder Gulch calling for the arrest and summary execution of Henry Plummer, Ned Ray, and Buck Stinson!

The sheriff received the report of the eight with apparent satisfaction. The horses he had directed Stinson to procure had already arrived and were safely corralled. He had been home for supper, chatting casually through the meal with Francis M. Thompson and his clerk Joseph Swift, and now he returned once more and announced his intention of lying down for a while.

"I've had a headache all day," he said to his sister-in-law, Mrs. J. A. Vail.

He hung his coat over the back of a chair and then, apparently as an afterthought, removed his belt with its two .44 caliber revolvers in leather holsters that were worn to a high gloss by constant friction against his body and dropped the weapons on the chair seat. The skirts of the coat half covered them. Awake or sleeping, Henry Plummer was never further than an arm's length from his guns, but on this quiet Sabbath evening there did not appear to be any necessity for such precautions.

The sheriff had failed miserably in estimating the power and determination of the Vigilantes. While he dozed, John Lott and his companions from Alder Gulch were placing Yeager's confession before the men of Bannack. Wilbur Sanders, corroborated by Judge Edgerton, told of young Tilden's identification of Plummer as one

of the four men who had held him up on the night of December 14th. One bit of evidence brought forth another; the sheriff's mysterious trips on "official business" and his frequent journeys for the purpose of inspecting "silver ledges" were disclosed in all their sinister significance. His previous record in California, Nevada, and Oregon was brought up to condemn him. His leadership of the Oro Fino bandits was proved. Men had known these things for months. No one man had known all, but there were scarcely any that could not recount some suspicious act of the courtly sheriff. Not until that moment had any man dared to speak of what he knew or compare his suspicions with those entertained by his neighbors. When all the evidence was in there was but one possible verdict.

Guilty!

Matters were precipitated by the news that saddle-horses recognized as belonging to Plummer, Ray, and Stinson had been brought into town. Three parties were hastily organized and sent on their separate missions. Buck Stinson was arrested by William Roe in the cabin of one John Toland with whom he made his home. He was armed, but with a gun staring him in the face resistance was useless. Ray was found in a saloon, fast asleep and rolled up in a couple of buffalo robes on a card table. His capture was an easy matter. The muzzle of Harry King's gun was in his ear as he awoke.

The third party, commanded by John Lott, marched to the Vail home. Mr. Vail was absent and his wife, Plummer's sister-in-law, was chatting with Francis M.

Thompson and Joseph Swift, both of whom boarded there. They were discussing the choir practice which was ordinarily held every Sunday evening. Mrs. Vail could not understand why it had been cancelled without any reason being given. Thompson could have told her. He knew why mandatory orders had been issued to the women of Bannack to stay in their homes that night — had known it earlier in the evening when he had sat at the supper table with Plummer in that very house — but a stern New England Puritanism, a realization that the Vigilante cause was right, sealed his lips.

Plummer was asleep on a couch, but roused as Mrs. Vail responded to a knock on the door. John Lott, closely followed by a half-dozen others, stepped quickly into the room. Despite many dramatic stories to the contrary, no guns were drawn, Plummer was not seized or pinioned, nor were any threatening gestures made. Quietly, in deference to the presence of Mrs. Vail, Lott spoke to the sheriff.

"We want you to come with us, Plummer."

The outlaw chief's perfect poise did not forsake him, although he knew the mission on which these men came.

"Certainly," he said calmly. "I'll be with you just as soon as I slip on my coat."

He moved across the room, but the Vigilante was quicker. His keen eyes had seen the belt and revolvers on the chair beneath the skirts of the garment. Leaving the guns where they were he gravely held the coat as Plummer thrust his arms in the sleeves.

"I'll be back in a few minutes," the sheriff said in re-

THE GRAVE OF HENRY PLUMMER

assuring tones to Mrs. Vail. "They want to see me uptown about Dutch John Wagner."

He stepped through the door and the posse closed in on either side. The frozen snow crackled sharply beneath their feet as they marched through the silent streets to the outskirts of the town where a gallows — two ten foot posts placed some dozen feet apart with a stout beam across their tops — stood at the foot of a low hill. The scaffold had been erected by Plummer himself for the execution of one John Horan, convicted the previous summer of the murder of Lawrence Kelly. The sheriff recognized Wilbur Sanders, his next door neighbor in Bannack, and as the procession moved on he found opportunity to speak to the lawyer.

"My God, Sanders," he ejaculated hoarsely, "this — this is terrible! Can nothing be done about it?"

The other man shook his head.

"Nothing!" he said. "It is useless to protest. You are to be hanged, Plummer! You cannot feel harder about it than I do, but I could not help it if I would."

And then Henry Plummer, sheriff of Bannack, gunman and gambler, chief of the Innocents, road-agent, seducer and libertine, killer with a record in five states, broke down and whined like a whipped cur! He blubbered and wailed and implored. He grovelled. He was, says Sanders, "loathsome in his abject and abandoned cowardice."

"Don't hang me!" he sobbed. "Oh, men, for God's sake don't hang me! Chain me up forever if you want! Banish me! I'll leave the country forever and you'll never see me again! Do anything to me, only don't

hang me, don't hang me. Oh, for Christ's sake don't hang me!"

The men of the Vigilante posse were silent. There was not a word spoken as they marched steadily to the gallows' foot where the other parties were waiting with Stinson and Ray. When he saw his deputies the coward's lamentations broke out afresh. He fell to his knees, grovelling in the snow as he begged for mercy for the sake of the wife who waited for him in Iowa.

"Oh, God, I'm too wicked to die!" he screamed.

The ropes, three of them, were thrown over the beam and hangman's knots tied in the dangling ends.

"Bring up Ned Ray!"

Ray, struggling like a wild man, kicking at his captors, and shouting curses, was dragged, fighting every inch of the way, to the foot of the scaffold. Behind him marched Harry King, the muzzle of his pistol thrust into the deputy's back.

"You know what I've got here, Ned," snapped King, "and if you don't go ahead you're going to get it sure!"[1]

Ray went ahead. Still cursing, he was hoisted to the table that had been placed below the noose. A man drew the loop about his throat, the choking coils cutting short a particularly choice bit of vituperation. In his struggles

[1] The part played by Harry King in the capture and execution of Ray earned for him the captaincy of one of the Bannack Vigilante companies. At a meeting held subsequent to the hanging of Plummer and his deputies the qualifications of various men for leadership were discussed. Wilbur Sanders, who knew his Shakespeare, quoted drily from King Lear: "Give us a king; let his name be Harry!" The pun was enthusiastically received and Harry King's election followed.

Ray had loosened the bonds which had pinioned his arms and just as the table was jerked away he wrenched his right hand free and thrust his fingers beneath the rope about his neck. The bulky knot, designed to break the cervical vertebrae in the drop, slipped from its place beneath his left ear to a position beneath his chin. He died slowly, writhing back and forth in a twitching macabre dance, fighting painfully for every whistling breath as he strangled.

"There goes poor Ned Ray!" exclaimed Stinson, gulping.

A moment later he was dangling beside his fellow-deputy. Like Ray, he cursed and reviled his captors with his last breath, and he also struggled for some time after the drop.

"Bring up Plummer!"

The command of the Vigilante leader was sharp and peremptory, but for a moment no one stirred. Their memories of the man who had deceived them for months chained their feet. He was a mysterious figure — aloof and reserved despite his cordial manner — and to all outward seeming a gentleman. Certainly he was a man of education, of breeding, and of remarkable personal magnetism.

The hesitation was only momentary. Within a few seconds after the command had been uttered two of the Vigilantes were urging the sheriff forward.

"Come on, Plummer!"

He twisted his body out of their grasp and dropped once more to his knees in the snow.

"Give a man time to pray!"

"Certainly," was the grim reply, "but do your praying up there!"

The speaker pointed to the gallows and the swaying, twitching bodies of Stinson and Ray.

Face to face with death the bandit sheriff recovered a portion of his manhood. He walked with steady step to the scaffold and mounted the table where his deputies had stood before him. Before his arms were bound he unfastened his necktie and tossed it to Joseph Swift.

"Take this to remember me by!" he exclaimed.

The youth, who had idolized Henry Plummer ever since he had first met the man at Sun River more than a year before, fell to the ground and covered his face with his hands. A few quick turns of a cord lashed the sheriff's arms to his sides.

"Give me a good drop, men," he said in a clear voice. "That's a last favor!"

His request was granted. The table was jerked from beneath his feet and the fall broke his neck. He died instantly and without a struggle — Henry Plummer, the courtly, the evil, and the mysterious; a gentleman and a murderer; at once notorious and utterly unknown; a paradox among the bad-men of the days when the West was young.

The bodies were permitted to hang for about an hour and were then cut down and given to friends of the dead men. Ned Ray's corpse was taken in charge by his mistress, "Madam" Hall, who had been informed of her lover's fate and had created such a disturbance about the

gallows that guards had been compelled to escort her, none too ceremoniously, to her cabin.[2] Francis M. Thompson assumed responsibility for Plummer's burial. It had been he who had broken the news of the sheriff's execution to Mrs. Vail and had summoned Mrs. Sanders, wife of the Vigilante prosecutor, when Plummer's sister-in-law had fainted. The bill rendered to Thompson two days later is preserved in the Montana Historical Library.

Bannack City, Jan. 12, '64.

F. M. Thompson to G. D. French

Making coffin and burying the late H. Plummer

$42.50

[2] Dimsdale tells us that the lady was "escorted towards her dwelling without superfluous display of courtesy. Having arrived at the brow of a short descent, at the foot of which stood her cabin, STERN necessity compelled a rapid and final progress in that direction."

In connection with the circumstances attending Plummer's execution it is interesting to note that Mrs. Martha E. Plassman, daughter of Sidney Edgerton, asserts that Joseph Swift did not witness the hanging and that he did not learn of the incident of the scarf until some days later. She herself, she says, told him of the farewell gift while riding horseback with him. Mrs. Plassman's remarkable memory is probably at fault in this instance.

CHAPTER XIII

Virginia Strikes!

IVES. Yeager. Brown. Plummer. Ray. Stinson. One by one the names were checked off on the Vigilantes' list of the known desperadoes of Montana. Others remained and John Lott and the members of his party decided not to leave Bannack until disposition had been made of the case of Dutch John Wagner, known to be guilty of the holdup of the Moody pack-train.

"First," said one of the Bannack committee, "we ought to take a look into the case of that greaser, Joe Pizanthia. He's got an almighty bad record — two or three knife killings to his credit before he came here — and we'd better give him a chance to prove he's not one of these 'Innocents.'"

Several men who knew the circumstances nodded approval of the course.

"Let's go get him. He lives in a little shack over there on the slope of the hill beyond Yankee Flat."

A small party started for the cabin of the "greaser" — a term, by the way, the use of which increases tremendously with the distance from the Mexican border.

In Arizona, New Mexico, and southern California it is almost unknown.

The suspect lived in a tiny shack, well chinked against the biting cold, and the interior, as one of the men kicked open the plank door, was as dark as the pit.

"Hey, Joe! Come on out here!"

There was no reply and Deputy Sheriff Smith Ball — he had been appointed by Henry Plummer but he was an honest man — and George Copley stepped over the threshold to the hard-packed dirt floor. Cooler heads in the small posse advised against such recklessness but the two shrugged their shoulders at any thought of danger. For a second they stood blinking in the darkness, doubly intense after the bright glare from the snow-covered ground without.

"Hey! Joe! Are you here?"

Pizanthia was at home and proved it. Two flashes of red fire streaked through the gloom as the Mexican fired at the two men. Silhouetted against the light in the doorway they made perfect targets. Ball spun around and fell sprawling through the open door as a slug tore across his thigh just below the hip. Copley staggered out clutching his breast.

"I'm shot!" he moaned as he collapsed into the arms of the men who rushed to his side. He was assisted to the Bannack Hotel, but a short distance away; the men who supported him returning in a few moments with grave faces.

"George Copley's dead!" they said. "He passed out just as we laid him down on a bed!"

Ball's wound proved to be superficial. He knotted a rude bandage about his thigh and remained on the ground.

The men of Bannack went wild. Hundreds were drawn to the scene by the sound of the firing and the angry shouts of the members of the posse. Each man had a different suggestion, delivered at the top of his voice, as to the most satisfactory method for capturing the Mexican. The door of the cabin was still open but men gave it a wide berth. None cared to invade the silent darkness where the killer was hiding.

Finally some bright soul recalled that one Nielson, captain of a wagon-train that had passed through the town a few days earlier had left behind him a small mountain howitzer. The weight of this piece of early artillery had become burdensome and Nielson was convinced of its general uselessness. There were men there with some experience as artillerists and the piece was hurriedly brought up within a few yards of the door, loaded and aimed. Two shells were fired completely through the cabin, one tearing down the door in its passage, and several more were directed against the chimney wherein it was thought Pizanthia might be hiding. A steady fire of small arms was maintained through the doorway, the single window, and the gaping apertures knocked in the walls by the cannonballs.

The Mexican made no reply to the fire and the posse, growing bolder, stormed the shelter. John Lott was the first through the doorway and noticed Pizanthia's boots protruding from beneath the shattered timbers that had

been the door. While several stood by with drawn guns others seized the boots and dragged the man out. He was severely wounded, but whether by the shell-fire or by pistol bullets no man took time to determine. As they hauled the Mexican into the light Smith Ball emptied the chambers of his revolver into the already helpless figure.

"I reckon that evens things up!" he snarled as he fired.

Pizanthia received no trial. While the men who had entered the cabin were announcing the capture, another of the party, Simeon Estes, was climbing a nearby pole with one end of a length of clothesline gripped in his teeth. The free end was tied about the Mexican's neck, he was hoisted clear of the ground, and held while Estes made the rope fast with a jam hitch. The men stepped back and — with Estes still up the pole only a few feet above the strangling man — fired shot after shot into the swaying figure. Not until Estes protested vigorously did the fusillade cease for sufficient time to permit him to slide to earth.

Another of the mob had touched a match to the Mexican's house and the dead man was cut down and, amid wild shouts of approval, thrown into the flames where his body was completely consumed.

Pizanthia was a murderer. He killed George Copley without any provocation whatever, but his execution was as disgusting an exhibition of mob-passion as can be imagined. In every other instance of the Vigilantes' application of summary justice a certain dignity and orderliness of procedure prevailed. With Pizanthia — inci-

dentally the only member of the entire outlaw group that offered any resistance to capture — the mob had full sway and later criticism of the Vigilantes and their methods were based very largely on the inexcusably savage circumstances attending this case.

There were some witnesses of Pizanthia's death — "Chunky" Johnson, later of Helena, was one of them — who maintained stoutly that all of the accounts of Pizanthia's hanging were pure fiction; that the man was never hung at all but thrown, still living, into the fire!

"Chunky" had a reputation for reliability but it is a grave question whether, in the excitement of the moment, he did not overlook or afterwards forget the hanging. The name of the man who climbed the pole and other details of the affair would scarcely have come down to us so exactly had not the Mexican been "strung up."

Still another detail of this unpleasant chapter — and an incident undoubtedly true — is that on the following morning, when the embers had cooled sufficiently, several notorious women of the town were seen panning the ashes for gold that it was said the poor wretch had stored in his cabin!

Bannack elected to forget the Pizanthia affair as rapidly as possible. Dutch John Wagner was still held a prisoner in the cabin on Yankee Flat and that night, January 11, 1864, the newly organized local committee met to consider Wagner's case. He had made a complete confession, corroborating many of the statements of Yeager, and was unquestionably guilty. There was no trial. He was sentenced to be hanged and one of the members dele-

gated to inform the prisoner that the execution was to take place within an hour.

Wagner was terribly surprised. He had evidently thought that his confession would secure for him the milder decree of banishment. Like Plummer and Brown he turned coward — begging for mercy, for mutilation, for anything save death. Only when he was told that there was no hope for him did he summon his fortitude and meet death bravely. His hands had been severely frostbitten during the time he had been hiding out in the mountains after the Moody robbery, but he removed the bandages and wrote a farewell letter in German to his mother in New York. He then carefully replaced the wrappings on his hands and announced bravely that he was ready.

One is forced to the conclusion that the Vigilantes, though performing a very necessary duty and dealing with individuals of the most depraved type, showed no consideration for the sensibilities of their prisoners. Wagner was not hanged on the scaffold from which the bodies of Plummer, Ray, and Stinson had been removed. He was marched to an unfinished house where Stinson's corpse lay on the floor and that of the sheriff on a carpenter's work-bench. Ned Ray's remains had been taken by "Madam" Hall to her cabin. Dutch John stood the ordeal bravely. He knelt and prayed for a few moments and then climbed to a barrel placed beneath a rope thrown over a rafter.

"How long will it take?" he asked in his sharply-accented speech. "I have never seen a man hanged."

He was assured that his sufferings would be brief, the barrel was pulled away with the aid of a rope that had been tied around it, and after a few violent, spasmodic struggles Dutch John was still.

Eight names had been scratched from the Vigilantes' list but work still remained to be done. The power of the outlaws in Bannack was broken, but in Alder Gulch, in the boom-towns from Summit to Junction, the roughs swaggered apparently unafraid and mouthed threats against the group that they termed the "Stranglers." They knew only of the execution of Ives, Brown, and Yeager. Had news of the Bannack executions reached them more promptly there would probably have been a general exodus from the country and a somewhat less gory history to be written.

The outlaws knew the identity of every man that had taken part in the prosecution of the case against George Ives, they knew the members of the posse that had ridden to Deer Lodge after Aleck Carter and, on the return trip, had hung Red Yeager and George Brown at Laurin's ranch. And they made no secret of their intention to exact a summary vengeance for these executions. Coupled with threats against the lives of individuals were promises to "make the town pay," to burn Nevada and Virginia City, to loot the stores, and to wreck the flumes and sluiceways of the miners.

The mental attitude of Jack Gallagher and the other Innocents in Alder Gulch baffles analysis. They seemed to lack any realization that the Vigilantes were serious, that the people of the mining towns — so long supine

under outlaw domination — had at last rebelled. They could not have been ignorant of the fact that the record of every man of them was known, but the wisdom of discretion, of transferring their activities to more distant fields, never seemed to enter their minds. To them the storm that had broken was merely a passing shower, uncomfortable to the few who had been caught out in the downpour but of no lasting effect.

The Vigilantes, on the other hand, dared not quit. Having started, they must proceed to a swift conclusion. Weakness, vacillation, or any policy less drastic than that of extermination would have been unpleasantly fatal to every man of the law-enforcement organization and disastrous to the general public safety.

The "Ferretting Committee," organized and headed by Captain James Williams, worked day and night. Reports of every speech, every threat, of the outlaws poured into Vigilante headquarters. On January 13, 1864, the executive committee met in Pfouts' store. An immediate cleanup of Alder Gulch was decided upon. Six of the men whose names were on the Yeager list were still in Virginia City. They were to be captured and executed. Each man was as guilty as Judas Iscariot, make no mistake on that score. In reading of the activities of the Vigilantes no sympathy should be wasted on the men who were hustled with such speed to an appearance before a Higher Court. The Committee worked swiftly but it did not err. A more worthless, blood-stained lot of scoundrels than the Innocents never existed. Twelve thousand people were living in Alder Gulch, the nearby

cañons of the Tobacco Roots, and the bottom lands of the Stinking Water; and the safety of these thousands depended absolutely on the efforts of the little group of men that were the real working force of the Vigilantes.

The names of the six criminals were turned over to the captains of companies. Jack Gallagher, Plummer's deputy, stood first on the list. Then followed Boone Helm, Bill Hunter, Frank Parrish (or Parish, the exact spelling is doubtful), Hayes (possibly Haze) Lyons, who had so narrowly escaped the noose for the murder of Dillingham; and "Clubfoot George" Lane, the messenger and spy. To forestall any attempt at escape a cordon of pickets was to be thrown completely around the town. No man, guilty or innocent, was to be permitted to depart from Virginia City until the work was done.

While the Committee was engaged in its secret deliberations Jack Gallagher, Hayes Lyons, and several more of the outlaws were in a room of the honky-tonk and gambling-house known as "The Shades." A faro game was in progress and in the course of the play Gallagher showed himself to be a remarkable prophet.

"While we're sitting here making our bets," he suddenly observed to the company in general, "those strangling Vigilante sons of biscuits are passing sentence on us!"

This prescience, says Dimsdale, constitutes "the most remarkable and most truthful saying of Gallagher's whole life; but he might be excused telling the truth once as it was entirely accidental."

Whether accident or clairvoyance, it apparently caused

no interruption of the game. The bandits played until a late hour and then dispersed to their various dwelling-places with no thought of the morrow being other than another day.

All save one. Bill Hunter was regarded with considerable friendliness by many men who were members of the Vigilante organization. He was not wholly bad; his lawlessness was sporadic. Periods of association with the gang, of robbery, and of murders incidental thereto, alternated with weeks of hard, earnest work in the mines. Though his name was on the list given by Yeager and he was definitely known to have been associated with Jack Gallagher in the murder and robbery of a wealthy Mormon, many men did not believe him to be as guilty as charged. He was told on Wednesday night to get out of town immediately and wisely kept his counsel and accepted the caution. While the guards were surrounding Virginia City, Hunter crawled along the course of a shallow ditch that storm waters had gullied in the slope of the gulch, worked through the line of pickets, and finally reached Joseph A. Slade's ranch on the opposite side of the divide between the Madison and the Passamari. Slade found him, suffering from frost-bite, hidden beneath a bed at the ranch and gave him another chance. Bill moved on eastward to the Gallatin Valley country.

Thursday's sun showed a cordon of guards completely surrounding the town. Early travelers from either direction were turned back. Only the Vigilante detachments marching in close order from Summit, Highland, Junction, and the other towns of Alder Gulch were passed

through the lines. These parties reported immediately to the executive committee and were assigned to their duties.

One by one the wanted men were brought in. No trouble was encountered in the arrest of any of them. The words "we want you; come along and ask no questions," and the sight of the ready guns of the posse members seemed to dampen any desire to contest the committee's decrees. Frank Parrish was arrested in one of the stores, George Lane in Dance & Stuart's establishment where he had his shoemaker's bench, Boone Helm in front of the Virginia Hotel, and Jack Gallagher discovered asleep in the room at "The Shades" where the bandits had been gambling the night before. Hayes Lyons made his home at the Arbor Restaurant near "The Shades" and it was expected he would be found there. The place was searched but he had departed. The party made inquiry and found that he had made almost a complete circuit of the town, seeking for a point where he might slip through the guard, and had finally returned to a miner's cabin less than a quarter of a mile from the restaurant. When the party pushed through the door he was standing at the stove, a flapjack balanced on a fork he held in his hand. Their guns were drawn and he was commanded to throw up his hands.

"By gosh," he complained as he obeyed, "this is the first meal I've had any appetite for in six weeks!"

"Go ahead and finish eating," the leader, believed to have been Adriel B. Davis, told him. "We're not in that much hurry to take you in."

Lyons shook his head regretfully.

"Nope. My appetite's all gone now. What're you fellows goin' to do with me, hang me?"

"I can't promise you anything," was the reply, "but you'd better prepare for the worst."

Again Lyons nodded.

"I guess so. Friends of mine advised me to get out of th' country two or three days ago."

"Why in time didn't you go?"

"I hadn't done anything to get out for; I didn't want to go."

Surprise and a certain degree of indignation at their capture marked the attitude of all the road-agents. Lyons' real interest in Virginia City and the cause of his delay in departing was his infatuation for a woman of the town. This lady, known as Cora, was not of entirely stainless reputation, it may be remarked. Lyons continued chatting with the posse as they searched him for weapons, helped him don his coat and hat, and marched him to the appointed rendezvous.

"Didn't you fellows hear," the leader asked him curiously, "that Henry Plummer and Ned Ray and Buck Stinson were hanged last Sunday night in Bannack? I'd've thought you'd sure have got word of that."

"Sure, I heard that story — but I don't believe a damn word of it."

"Well," he was informed, "you can just bet your sweet life on it!"

"Th' hell you tell!" retorted the incredulous Lyons. "I never thought they'd get those fellows. Did they put up any fight?"

"They didn't have a chance."

Lyons was the last to be brought to Pfouts' store where the examinations of the prisoners were conducted. Each of the five expressed surprise at being taken into custody and at first stoutly maintained his innocence of any wrong-doing. Frank Parrish was the first to be quizzed.

"What am I being arrested for?" he asked.

"For being a road-agent and thief and an accessory to the murders and robberies on the road!"

"By God, gentlemen, you have the wrong man!"

Various details of his social activities were laid before him and he finally confessed complicity in several stage holdups, stating also that his principal duty had been the butchering of stolen cattle and the sale of the meat thus obtained. He admitted having participated in several minor holdups and other crimes of which he had not been suspected.

The crippled George Lane also inquired the reason for his arrest and was given an answer identical with that made to Parrish's query, with the additional information that he was known to be the spy in Virginia City for the bandits, informing them of gold shipments and the departure of stages and individuals worth robbing.

"If you hang me, you hang an innocent man!" he asserted.

The proof of his guilt was given him and an admission and an expression of penitence quickly followed. He asked for the services of a minister and spent in prayer the balance of the time remaining to him.

Boone Helm, the worst of the lot, carried his protes-

tations of innocence even further than the others, swearing on a copy of the Bible that he was guiltless, but finally admitting that " we've all done enough to be sent to hell for long ago."

Jack Gallagher, Plummer's deputy in Alder Gulch, swore angrily at the outrage.

" What th' hell is this all about? " he demanded. " This is a pretty break I'm getting, ain't it? "

The same procedure was patiently followed once more. He was told that the committee was in possession of incontrovertible proof of his complicity in a dozen major and minor crimes, that he had been declared guilty, and that he would hang that day. For a moment the courage of the desperado deserted him. He staggered blindly to a chair and made no effort to conceal or control the sobs that shook him. He regained his poise in a few minutes, however, and leaped to his feet.

" Who th' hell told you all that? " he demanded. " Who peached on me? "

" Red Yeager told the truth about the whole gang before he was hanged at Laurin's ranch on Stinking Water," he was told.

It was evident that this was the first time Gallagher had learned of Red's betrayal of the Innocents. He clenched his fists and cursed the dead traitor by every name to which he could lay his tongue. So foul did his invective become that he was cautioned that another word would result in his being gagged.

Two other suspicious characters were brought in by a posse sent to Highland. It was reported that they had

come to that settlement from Virginia City the previous night and had camped in an empty cabin. Definite proof of guilt could not be presented against them and they were released.

Gallagher, Helm, Lyons, Parrish, and Lane were then brought in and lined up before the members of the executive committee.

"You men," said Paris S. Pfouts, president of the Vigilantes, "have been found guilty. You are to be hanged. If you have any final requests now is the time to make them. There'll be no other chance."

Hayes Lyons was the only man to reply. He asked permission to say farewell to his mistress, the notorious Cora. The request was denied and Lyons appeared content, merely asking that the woman's watch, now in his possession, be returned to her after his death.

"Have any of you anything else you want to say?" Pfouts continued. "Have you any information you want to give this committee about your own crimes or those of any other members of the gang?"

Not a man spoke. Standing elbow to elbow they stared sullenly at the wall over Pfouts' head.

"Tie their arms!" snapped the Vigilante leader.

Jack Gallagher took a quick step forward as the guards moved toward him. His hand darted to an upper pocket of his vest, overlooked when he had been searched for weapons, and came away clutching a knife that he carried there.

"By God!" he shouted. "I'll cut my own throat before I let you tie me and hang me!"

Captain James Williams, executive officer of the Vigilantes, had his cocked revolver against the road-agent's body in the split fraction of a second. His blue eyes were almost black and as hard and cold as the steel of the weapon in his hand.

"Drop that knife, Jack!"

The man never lived that had sufficient courage to face Jim Williams when he was angry. Those who knew him well tell that he was very slow to rage but that when he was roused he was as terrible as a bolt of lightning. Gallagher's hand slowly lowered and the knife was taken from his almost nerveless fingers by one of the guards. He cursed as the lashings were passed about his arms.

"Don't make a fool of yourself, Jack," interposed Boone Helm who was standing next to him. "There's no sense in bein' afraid to die!"

A frame building, afterwards occupied by Clayton & Hale's drug store and still standing in Virginia City, was in process of construction at the northeast corner of Wallace and Van Buren streets. Five ropes were thrown over a rafter — the roof was not yet in place — and empty packing-cases placed below the nooses. Pfouts and Williams issued instructions for the order of march to the place of execution. The five condemned men were placed in the middle of a hollow square formed by those of the posse who were armed with rifles and shotguns.

"The rest of you fellows," Williams ordered the pistol-bearers, "mix in with the crowd. If some fellow gets tough or tries to start anything see that he's taken in out of the wet!"

The procession started and was delayed for a few minutes in front of the Virginia Hotel until the arrangements for the execution had been completed. Clubfoot George Lane recognized W. B. Dance, in whose store he had worked, standing in the crowd across the street and called to him.

"You've known me ever since I came to Virginia," he said earnestly, "can't you tell these fellows I'm all right?"

"There'd be no use in it, George. Personally, I know nothing against you, but I've heard the evidence and that is very strong indeed. Nothing I could say would change matters."

"Well, then," asked Lane, "will you pray for me?"

"I'll do that very willingly," said Dance gravely.

He knelt in the slushy mud of the street, Lane and Gallagher kneeling beside him, and offered up a fervent and earnest prayer for the repose of the souls of the five men. Parrish and Lyons did not kneel but asked that their hats be removed and stood in reverent silence until Mr. Dance had concluded. Only the savage Boone Helm found the supplication objectionable.

"Oh, for God's sake!" he growled. "If you're going to hang me go ahead and get through with it! If you're not, I want you to tie a rag on my finger!"

He had injured his hand a day or two previously and the bandage he was wearing when captured had become loosened.

While they waited Hayes Lyons repeated his request that he be allowed to see Cora, his mistress. A man who

overheard him offered to summon the woman but was told in no uncertain terms by "X" Biedler to forget the mission.

"You ought to know, Hayes," Biedler exclaimed, "that bringing women to a hanging played out last year!"

"X," whom Lyons had requested to "stay with me till I die," had not forgotten the fiasco that had followed the trial of this same criminal for the murder of D. H. Dillingham.

The word came to resume the march and as the procession got under way once more Boone Helm recognized an acquaintance standing at a window of the Virginia Hotel.

"Goodby, old boy," he shouted jovially. "I'm on my way to heaven and I'll be there in plenty of time to open the gate for you!"

He continued his jests for the entire distance up the sharp grade of the street to the gallows, nor did he cease after he had been assisted to the box between Gallagher, who was in the middle of the group, and Frank Parrish. Parrish was placed on the right flank, against the west wall of the house. Lane stood by the eastern wall and Hayes Lyons was next to him. As the nooses were being adjusted, Pfouts once more asked the condemned men if they had any last requests. He was interrupted by a remark addressed to the crowd by Gallagher.

"How do I look in this necktie, boys?" shouted the deputy, grinning through the halter.

"Your time is very short!" Pfouts admonished him, "but if you have any reasonable requests to make at this time they'll be listened to."

ROAD-AGENTS' GRAVES, VIRGINIA CITY, MONTANA

"Well, then," exclaimed Gallagher, "I'd like a last drink of whiskey!"

For some reason the expression of this desire appears to have been highly shocking to the Vigilantes. A man on the gallows, they evidently thought, should have his mind on the possibility of his soul's salvation and not on such mundane matters as a shot of Valley Tan. An old miner in the front ranks of the spectators had a different viewpoint and broke the solemn silence.

"Yuh said they c'd have anything in reason," he ejaculated. "That's reasonable enough, seems t' me. Why not get th' feller his licker?"

A volunteer Ganymede hastened to a nearby saloon and returned with a brimming tumbler of forty-rod. He raised it as high as he could, but the rope from Gallagher's neck to the rafter prevented the outlaw from touching his lips to the glass. He twisted his head about, saw that the other end of the rope was fastened to one of the logs of the wall, and turned on the guards.

"What th' hell's th' matter with you sons," he demanded savagely. "Can't you give a fellow enough slack to take a last drink?"

The rope was loosened and he drained the tumbler and smacked his lips with evident relish.

The committee decided to hang the men one at a time, probably because the rafter would not stand the strain of a simultaneous swing-off. Lane was to be first, followed by Gallagher, Helm, Parrish, and Lyons. Why this particular order was determined upon no one knows. The quiet command "Men! Do your duty!" told "Clubfoot

George" that his time had come. He did not wait for the box to be pulled from beneath his feet.

"Goodby! I'm gone!" he shouted, and leaped, dying within a short time.

Gallagher looked around coolly.

"I hope forked lightning strikes every one of you strangling sons ——"

His remarks were interrupted by the box flying out from beneath him. He too jerked convulsively for several minutes, watched attentively by the irrepressible Boone Helm, who told him to "kick away." The executioners moved to the side of the third box and picked up the ropes that had been fastened to it.

"Every man for his principles! Three cheers for Jeff Davis! Let her rip!" shouted Helm as the cords were pulled. He was instantly killed by the drop.

Frank Parrish met death no less bravely but far more seriously. He asked that his eyes be bandaged before the drop but made no other request. The black silk handkerchief — the ends tied in the "road-agents' knot" — which he wore about his throat was used to conceal his face from the curious eyes of the crowd. His quiet demeanor was in marked contrast to the ribaldries of Gallagher and Helm and excited some slight degree of sympathy among the spectators.

"Didn't you feel for the poor devil as you put the rope on his neck?" a member of the committee was asked.

"Yes," responded the Vigilante with perfect seriousness, "I felt for his left ear!"

Hayes Lyons stood courageously the ordeal of watch-

ing his four friends go to their deaths. Up to the last second he seemed to think that something would happen to effect his rescue or secure him a reprieve. His last words were a request that his body be given to Cora and that she see that he receive a decent burial.

"Don't let me hang too long," he added an instant before the drop.

The five were buried side by side in the old cemetery at the crest of the hill north of the town, directly back of the spot where the monument marking the site of the first Masonic Temple in Montana now stands. No markers were erected at the time and as the years went by the precise location became uncertain. The principal figures in the re-location have been dead many years and the story can now be told in detail.

Colonel Wilbur F. Sanders maintained that five graves, unmarked but still discernible to the north and slightly east of the present headboards of the bandits, marked the resting places of the five road-agents. His positiveness irritated Adriel B. Davis, former sheriff of Junction and James Williams, principal lieutenant in the Vigilantes.

"That's all Sanders ever could do — talk!" he exclaimed. "He was a good man and a dod-rotted — " (the only oath Davis was ever known to use) — "good talker, but it was the rest of us that did the work. I helped put those road-agents in the ground. It's been forty years now, but I'll take a crowd up there on the hill, show 'em where to dig, and if they don't find George Lane's club foot I'll never tell another Vigilante story as long as I live!"

"For the Lord's sake let him do it!" one of the listeners shouted fervently.

The old man — he had passed seventy some time before — stood for a moment at the crest of the hill and carefully studied the ground before him. Finally he indicated a small boulder, scarcely noticeable among the many that thrust up through the rocky surface of the mesa.

"Dig here," he commanded. "This is 'Clubfoot George.' He was at the end of the line. Hayes Lyons is next to him and then comes Boone Helm, Jack Gallagher, and Frank Parrish."

At a depth of four feet the volunteer diggers struck boards that had been placed across the grave directly above the corpse. No coffins had been used, the dead men being wrapped in blankets and the boards set to keep the earth from actual contact with the bodies. The wood was perfectly preserved and beneath it were fragments of the blanket, of the outer clothing, and of the red flannel underwear that Lane had worn. And among the rags, an absolutely accurate identification of the occupant of the narrow tomb, were the malformed bones of Lane's crippled foot!

"I reckon that settles it, doesn't it!" cackled old Davis.

Wooden headboards were then set in place and have from time to time been removed. That placed over the body of Hayes Lyons bears, in addition to his name and the date of January 14, 1864, the significant word "Peccavi!"

Every visitor to old Virginia City makes the trip to the

road-agents' graves — one of the show places of the town. To some of these visitors the story of the re-discovery of the graves is told, and a very, very few will learn from the friendly, square citizens of the town, the open secret that Jack Gallagher waits there for Judgment Day minus his head. His skull, one might say, is on "detached service" — the circumstances thereof being another story and one that cannot be told. But if you're curious, drive to Alder Gulch and ask. Perhaps Jake Albright or George Lovell will tell you!

CHAPTER XIV

The Worst Bad Man

SLOWLY they pass in review — the "bad-men" of the old West. With some, the years have dealt tenderly; others have acquired unmerited haloes of righteousness and unknown, unsuspected virtues as a result of the sentiment or prejudice of their biographers, but their names remain as those of bad-men, gun-fighters, and bandits. Billy the kid (no one would recognize him as William Bonney), Jesse and Frank James, the Daltons and the Youngers, "King" Fisher, Zwing Hunt, John Wesley Hardin, the embittered and cynical "Doc" Holliday, Henry Plummer, and John Ringo the mysterious. Products of their times and their environment, perhaps, but killers all; "bad" men in every sense of the word.

One name, however, leads all the rest. Worst of the bad-men, wildest of the Wild Bunch; depraved, degenerate, savage, bestial, was Boone Helm who finally dangled from a rope in Virginia City on January 14, 1864.

No accurate or reliable record exists of Helm's crimes or of his wanderings. His territory was from California to Canada, from the Rockies to the Pacific. He was a rover and, time and again, a fugitive. Outcast, friendless; one can find nothing in his life to arouse pity and only in the manner in which he met his death can there be even the slightest degree of admiration for him. He had never given mercy nor, when his time came, did he ask it.

We hear first of Boone Helm in Log Branch, a tiny frontier settlement in Monroe County, Missouri, whither his parents had moved from Kentucky where Boone was born. He grew to young manhood in Log Branch and in 1848 married a young woman of the neighborhood. A year later he was the father of a baby girl. Helm, however, was not adapted to the responsibility of matrimony or paternity. He found both wearisome and when he could find no more pleasure in drinking and roistering about the settlement, he determined to desert his wife and child and go to Texas. The Mexican War had been concluded only a few years previously and emigrants by the hundred were seeking the Lone Star State, whence came tales of thousands of acres of land to be had for the taking and the assurance of splendid adventure in battles with hostile Indians, Kiowa, Osage, and Apache.

Boone Helm heard these tales and determined to see for himself. Drunk, he boasted of his intention to a neighbor, Littlebury Shoot, and endeavored to pledge Shoot to accompany him. To pacify the maudlinly insistent man, Shoot said he would go. Two nights later,

Helm rode up to his neighbor's door and announced his readiness to start. Shoot had been roused from bed and was dressed only in shirt and drawers as he stood and talked to Helm. He urged a cancellation of the trip or at least a postponement.

"So you're backing out, are you?" Helm exclaimed, his face darkening. "I was told you had no intention of going with me. Is that so?"

The other made some additional expostulation but Helm jerked a Bowie knife from his belt and plunged it into Shoot's breast. Then, leaping to the saddle of the horse he had tied at the gate, he galloped away.

William Shoot, a brother of the murdered man, was living in Hannibal, Missouri, and did not learn of the killing until Helm had a forty mile start. He immediately set out in pursuit and the killer was finally apprehended and arrested in the Indian Territory, now Oklahoma.

One account tells us that clever and unscrupulous lawyers obtained for Helm a change of venue to a distant county and then one postponement after another until the appointment of a new judge for the district. Evidence was then submitted that his case had been three times postponed, a fact which under the laws of Missouri automatically set him at liberty.

A second, more colorful, version would have us believe that Helm was one of the first criminals to realize the value of an insanity plea and that he conducted himself in such a manner at his trial as to secure his commitment to an asylum. There he remained until the vigilance of

his guards relaxed for a moment when he fled, nor paused in his flight until he was in California.

In the early 'fifties he was in San Francisco and in Placerville, then drifted north and west. In Yreka he was accused of a cold-blooded murder and fled the State, appearing next in the spring of 1858 in The Dalles, Oregon. Here he heard a rumor that a deputy sheriff from California was on his trail with papers for his arrest and extradition and decided to move on. A party of six men were starting for Camp Floyd, Utah, and Helm joined them. One of the six, Dr. William H. Groves, lost his interest in the journey when Helm suggested organizing a band of Snake Indians to raid the Walla Wallas and steal their horses. Although the proposal was not adopted Groves returned to The Dalles. Helm and the other five remained on the Grande Ronde River until autumn, at which unseasonable time they suddenly determined to continue their journey to Camp Floyd.

A more foolhardy decision could scarcely be imagined. All of the men knew that winter had set in and that for months they could count on nothing but sub-zero temperatures, terrific blizzards, and wind that would almost sweep a man from the saddle while it piled snow drifts to a depth of twenty or thirty feet in the rocky passes of the mountains. There were hundreds of trailless miles between them and the Mormon settlements — mountain ranges, rivers moving so swiftly through deep-walled cañons that the rushing water never froze, and bleak wintry deserts with no hint of life. And to those obstacles they had to add the fact that the Indians of the

region — Bannacks, Blackfeet, Snakes, and Piutes — bitterly resented the white man's invasion of their ancient hunting grounds and made a point of raiding every wagon-train or packer's outfit that struggled through the mountains.

They were attacked by Indians on the Raft River shortly after their start but the party put spurs to their horses — the animals were fresh then — and distanced the savages after a bloodless running fight. That night they camped on the Bannack River and John Martin was set to guard the picketed horses. An Indian brave, eager to "count coup," crept up behind the sentinel, brained him with a hatchet and with a yell of defiance and triumph leaped on one of the horses and raced away. Helm and the other men, awakened by the shout, sent a volley from their revolvers in the direction of the sound but the savage escaped.

They rode on, seeking for several hours for a ford across the Bannack, and before noon found themselves groping their way through a blinding snow-storm. Helm said that they remained in their saddles until dawn and that when daylight finally came it was only slightly less dim than the night. Having crossed no other streams, they knew that they were somewhere between the Bannack and the Bear Rivers. Except for this very sketchy knowledge they were lost.

They fought on doggedly, finally discovering an empty cabin on Thomas' Fork of the Bear River. Here at least was shelter from the storms and they took possession of the dwelling. One after the other they killed their horses

for food, finally being forced to kill a valuable racehorse. They knew that when this last supply of meat was gone only starvation remained and decided to make an effort to return to the army post at Fort Hall in southern Idaho. The flesh of the racehorse was cut into strips and dried as well as the cheerless winter sun permitted, rude snowshoes were fashioned of the hides they had saved, and the five set out.

As far as Soda Springs they were familiar with the route and made fair time. From there they struggled on to the northward, able to make but a few miles each day, fighting storms and starvation, and hoping that they would encounter white men from the fort or some wandering Indians.

By this time their condition was such that they cared little whether the savages were friendly or hostile. Helm and a name named Elijah Burton were stronger than the others and finally, according to the story Helm afterwards told, pushed on alone, leaving their three exhausted companions to struggle through if they could or to die in the wilderness.

The two finally reached the Snake River and wearily started down its course. The horse meat was gone and they kept themselves alive by chewing bark they stripped from trees or gnawing at the broad surfaces of a stunted variety of prickly-pear cactus which they found in a spot where the wind had swept the ground free of snow. Burton was starving and exhausted and suffering tortures from snow-blindness. Helm left him in a cabin where the old Loring Camp stood and, he said, managed to reach

Fort Hall. He found, or claimed he found, no one there and returned to where he had left his companion, telling him that no troops were at the post. While Helm was out gathering firewood the blind, discouraged Burton, according to Helm, sent a revolver bullet through his heart.

On April 10, 1859, John W. Powell, with two white companions and three Indians, was on his way from Fort Owen, in the Bitter Roots, to Salt Lake City. He camped on the Snake River north of Fort Hall and while resting in his tent heard a stranger's voice talking to the other men of the party. On leaving the shelter he saw a bearded scarecrow in ragged, filthy clothes and wearing a pair of moccasins so dilapidated that Powell wondered how the man kept them on his feet.

"I'm Boone Helm," the apparition croaked harshly. "I've been out here all winter. I'd have starved to death if I hadn't run into an Indian near here. He made me pay him ten dollars for every meal — and all I got to eat was ants and other bugs mixed with that bitter weed they call mountain tobacco. I've only got nine dollars left, but I'll give you that if you'll let me go on with you to the settlements."

Powell, one of the pioneers of Montana, told him that his money was not wanted and took him into his tent where Helm gave the entire story from the time he and his companions had left The Dalles.

"Burton was dead," he said, his red-rimmed eyes glaring. "I couldn't do anything for him. I was starving. I ate him! I ate all of one of his legs and I cut the other leg off and wrapped it up in Burton's shirt and started for Salt Lake!"

Horrified at the cannibalism, Powell took pains to locate the Indian, a Blackfoot named Mo-quip, and obtained complete verification of Helm's ghastly confession. The savage told quite calmly of Helm's taking the wrappings from a bundle he bore and dumping on the ground a man's leg.

Though quite truthful about the fate of Burton, Helm lied to his rescuer about the money in his possession. Only a few hours after Helm had joined the party one of Powell's men came to his employer and gave him fourteen hundred dollars in gold coin which Helm had asked him to conceal until the party reached Salt Lake City. Powell supplied Helm with fresh clothing, took him to the Mormon settlements, returned his money to him, and then told him bluntly that his company was no longer desired and that he could shift for himself. The cannibal stowed the gold in his pockets and with neither thanks nor farewell to his rescuer stalked away.

John W. Powell believed firmly that Helm had killed all of the members of the party, including Burton, and that the gold he had with him was obtained through these murders.

Helm found congenial occupation in Utah. The Mountain Meadows Massacre — the most horrible atrocity in American history — had taken place less than two years before and the Danites — Brigham Young's "Destroying Angels" — under John Doyle Lee, Porter Rockwell, Philip Klingensmith, and William Hickman, were still in existence. Boone Helm found a place in their ranks. It was the period of the Reformation within the

Mormon Church. There were many in Utah, Mormons and Gentiles, whose opinions did not harmonize with those of Brigham Young, the president, and his fellow autocrats among the leaders of the Latter Day Saints. Dissention, heterodoxy, and rebellion within their own ranks were sternly suppressed and in the event of genuine clashes there remained the Danites.

Two killings are credited to Boone Helm during his stay in Utah, murders performed for hire. His employers protected him, found a place for him to hide, and eventually smuggled him out of the Salt Lake region with a wagon-train bound for Panguitch.

For a time he was in southern Utah, then appeared in San Francisco. The route he followed to the coast metropolis is unknown. For some reason — doubtless an excellent one — he seems to have avoided the wild Nevada towns of Silver City, Carson, Gold Hill, and Virginia City, though one would think the excitement incident to the development of the Comstock Lode would have been an irresistible attraction. He was in San Francisco for a time — a murder near Palo Alto has been attributed to him — and then bobbed up serenely once more in the Columbia River Valley and at The Dalles.

Whether guilty or not he is given the credit for a dozen holdups and half as many killings during his short stay in that area, but the only one that can be proved is the slaughter in Florence, Idaho, early in 1862, of a gambler whose nickname of "Dutch Fred" has survived his actual identity. Helm was hired for this killing, too. He picked a quarrel with his victim but bystanders inter-

vened before guns were drawn. Both men were disarmed, the weapons being deposited with the bartender in the saloon where Dutch Fred was playing. Helm left the place but returned within an hour.

"I'm leaving town," he told the custodian of his revolver, "and I've got to have my gun. Give it back to me and I won't make any more trouble."

The weapon was returned to him. Helm promptly turned his back to the bar, cocked the "Navy," and took a snap shot at Dutch Fred who was sitting at a card table on the opposite side of the room. The ball missed its target and the unarmed man was on his feet by the time the killer, taking more careful aim, fired a second time. The gambler fell, a bullet through his heart, and the gunman turned on the crowd.

"There's more here if anybody wants it!" he snarled, and the men fell back as he strode to the door.

He rode rapidly out of the town and made his way to Canada where he was captured the following fall on the Frazer River. He was alone when apprehended although the officers who were on his trail had been following two men. Helm was in almost the same condition as when he had staggered into John W. Powell's camp on Snake River — ragged, filthy, exhausted, and almost starved.

"Where's the other fellow — your partner?" he was asked.

The killer's lips writhed back from his yellow teeth.

"Dead!" he snapped. "Do I look as though I'd be enough of a damned fool to starve to death? I killed him and ate him!"

He was returned to the States and imprisoned in the Oregon penitentiary at Pendleton pending his trial at Florence. He had friends — one story has it that a brother came to his rescue — and by the time the case had been called for trial every material witness to the killing of Dutch Fred had been bribed to leave the country. The state could do nothing but dismiss the case and Helm walked out of the courtroom a free man. He announced his intention of going to Texas but got no further than Montana and the diggings at Bannack and Alder Gulch.

Helm's reputation had proceeded him and he was promptly informed that there was no place for "lone wolves" in that section. A man either lined up with the Organization — with Plummer & Co. — or he was removed. No competition was tolerated.

This was perfectly satisfactory to the killer from Missouri, and he was presently a member in good standing. His name was on the list given to the Vigilantes by "Red" Yeager when that repentant youth was arrested and told all he knew.

Boone Helm — roadster.

The Vigilance Committee asked no more. Plummer, Ray, and Stinson were hanged and the next step was the cleaning up of Virginia City and Alder Gulch. Three men, one of whom was J. S. Daddow, were told off to attend to the capture of Helm. He was standing in front of the Virginia Hotel when they closed in on him, one on either side and one from the rear. Each man had a pistol and with three guns trained steadily on him Helm had no choice but to stick up his hands and march before the Committee.

"If I'd known what was comin' off," he told his captors, "you wouldn't have had so easy a job!"

Like Parrish, Lane, Gallagher, and Lyons he expressed complete surprise at his arrest and maintained that he was innocent of any wrongdoing since he had been in the territory. He was told that the Committee held incontrovertible evidence that he was a member of the outlaw band and guilty of murder and robbery.

"I'm innocent!" he asserted, staring his accusers straight in the eye. "I'm as innocent as a baby. I never killed or robbed anybody in my life and I'll swear it on the Bible!"

"Give him a chance!" one of the Committee suggested, grimly curious to see how far Helm would go.

A Bible was produced and Helm repeated his protestations of innocence, calling upon God to "strike him down dead right here" if he were swearing falsely, and concluding by bending his head and solemnly kissing the Book. Even the hardened pioneers were shocked at such gross impiety. They indulged in no further discussion but told Helm quite bluntly that he was guilty and was to hang. The announcement seemed to have little effect on the killer's iron nerves.

"I've been close to death a good many times," he remarked, "and I'm not afraid to die now. Give me a drink of whiskey!"

In the entire career of Boone Helm — he was between thirty-five and forty years old at the time of his death — one cannot find a single redeeming virtue save perhaps his bearing as he waited for death. He was a killer, a

cannibal, and a thief; treacherous, blasphemous, and disloyal — but he did not whine or beg for mercy nor did he ask for additional time in which to write farewell letters blaming evil associates for his original downfall and subsequent misdeeds.

"Hello, Bill!" he shouted to an acquaintance in the crowd as he and the others were being marched to the gallows. "They've got me this time; got me sure and no mistake!"

When a prayer for the souls of the condemned men was made Helm remained erect, interjecting ironic and ribald remarks throughout the entire supplication. As Jack Gallagher rose from his knees Helm turned to him.

"How about givin' me that coat of yours, Jack?" he remarked, indicating a fur-collared military overcoat the deputy was wearing. "You never gave me anything in your life and you'll never get another chance. I always did like that coat."

"A lot of use you'll have for it where you're going!" his companion retorted.

Five boxes were placed beneath the five dangling nooses in the unfinished building where the execution took place. The condemned men were assisted to mount the boxes. Lane was first, at the east wall of the house, then Lyons, Gallagher, Helm, and Frank Parish. They were hanged, as has already been told, singly. Their arms were bound but no blindfolds were used and Helm watched coolly as George Lane, not waiting for the box to be pulled from beneath his feet, leaped off of his own accord and died almost instantly.

"There goes one to hell!" Helm exclaimed.

Jack Gallagher was next to die and Helm watched his death struggles as calmly as he had those of Lane.

"Kick away, old fellow! My turn's next! I'll be in hell with you in a minute!"

His eyes swept the crowd and his voice rose to a defiant shout.

"Every man for his principles! Hurrah for Jeff Davis! Let her rip!"

At the last word the cords attached to the box were jerked and Boone Helm, the worst of the bad-men, dropped into eternity.

CHAPTER XV

The Clean-up

ALONG the highways of southwestern Montana today — from Monida to Dillon and Twin Bridges; from Reynolds Pass through Ennis to Virginia City and on to Butte and Helena — every road-sign and marker bears the cryptic figures 3-7-77.

"What does it mean?" the traveler asks.

"Oh, it's an old sign the Vigilantes used to use. This highway's called the Vigilante Trail and they mark it with those figures."

With that explanation many are content, but at times there arrives in the state an obstinate soul not so easily satisfied.

"That's all very nice," says he, "but what does this 3-7-77 really *mean?* What did the Vigilantes use it for?"

From that time on, as his curiosity waxes and his investigations continue, he hears stories, rumors, suppositions, anecdotes, yarns, guesses, theories, and what have

you to account for the use of that combination of numerals. Every resident of the region has heard of 3-7-77 and no man knows its true significance.

One who has made a life story of Vigilante history asserts that these figures, written below a skull and crossbones on a card and pinned on a tent or cabin was warning to the dweller therein that his record was known, the Vigilance Committee in possession of the facts, his presence in the community no longer desired, and that he had 3 hours, 7 minutes, and 77 seconds to get out of town!

Instant objection is made on the ground that even in the '60s it required only sixty seconds to make a minute and that the idea of seventy-seven seconds being set as a definite period of time presents certain inconsistencies. Rebuttal is to the effect that the old-timers were a whimsical lot, that there was for many of them a certain esoteric significance about the figures 3 and 7, and that they found something very attractive in the alliteration of 3, 7, and 77.

Rather weak, that!

Others will tell you that it was a warning to undesirable citizens to leave town or prepare immediately to occupy a grave 3 feet wide, 7 feet long, and 77 inches deep. What determined these dimensions for a sepulcher will ever remain as much of a mystery as the source of the tomb story.

The most probable explanation is that the Vigilantes of Montana lifted the idea bodily from their brethren in California and employed it as a similar warning but without the same secret significance.

William T. Colman, the organizer of the California Vigilantes, was referred to by his followers as "No. 1." Orders from "No. 1" or orders signed by him were final and instant obedience was mandatory. As new members were enrolled each was given a number and it transpired that "No. 3," "No. 7," and "No. 77" came to hold certain executive positions and to sign orders to the Committee members and notices of banishment with these figures. 3-7-77 soon became known and feared by the lawless element of San Francisco.

Paris S. Pfouts and several others of the Montana Vigilantes, we know, were familiar with many details of the California organization, and when they launched upon similar work in Montana it appears reasonable that the ominous 3-7-77 — the dread import of which had spread to the mining camps of the Rockies — would be adopted along with the by-law providing that "the only punishment that shall be inflicted by this Committee is Death."

This death rule was not always enforced. Only where proof of guilt was absolute and conclusive was the award of the V. C. — the Vigilante Collar — made. Men whose guilt was not clearly proved were banished, there were several floggings administered, and at least one instance of a genuine humanitarianism.

A youth of twenty, sleeping in Ballinger's Hotel in Alder Gulch, yielded to temptation and stole some $200 in gold-dust from a miner. The bunks in the hotel were placed one above the other and the miner, occupying a bed above that where the boy was lying, inadvertently displayed a fat sack. The youth reached between the

slats of the bunk above him, cut the string about the mouth of the bag, and allowed the golden contents to trickle into his cupped hands.

One of the nuggets, of distinctive shape, was recognized, the thief was arrested, and a meeting of the Vigilance Committee called in Adelphia Hall. His guilt was unquestioned, but on account of his youth and the absence of any previous criminal record there was a strong sentiment in favor of banishment. Charles Beehrer — Charley the Brewer — was among those at the meeting.

"I don't believe in banishment," said the German gruffly. "Hanging is good, but banishment — no! If a man is not good enough to live with us we had better hang him, not turn him loose on somebody else.

"This boy should have another chance. Let us keep him right here, get him a job, and have him report to somebody every day until he has made enough money to pay back what he stole!"

The shrewd brewer's advice was taken. Work was found for the youth with John Wagner (not the bandit "Dutch John," although the name was the same) at his mine on German Flat and he was instructed to report daily to Mortimer H. Lott or to Beehrer until the debt was paid. In the midst of this calendar of crime there is a relief in noting that the boy refunded all the money he had stolen, moved on to Last Chance Gulch (Helena, Montana) with the rush to those diggings, and that at the time of his death fifty years later was a well-to-do business man of Portland, Oregon.

With actual criminals, however — men whose guilt was

JOHN X. BIEDLER, WHOSE UNSWERVING PURPOSE DOMINATED THE EXECUTIONS

clear and for whom no extenuating circumstances existed — the Vigilantes were utterly merciless. They knew no rest. With the death of Parrish, Helm, Lyons, Gallagher, and Lane in Virginia City, Society's account with thirteen of the outlaws had been closed, but there still remained a number of bandits with records as black as those of the men who had been executed. These had scattered, leaving the mining towns that had become much too hot to hold them, and were camped at lonely ranches and tiny settlements in the more remote sections.

Twenty-one men, headed by Pfouts and Williams and with Adriel B. Davis, Thomas Pitt, and John X. Biedler among their number, left Alder Gulch on January 15th, the day following the execution of the five, camped the first night on Big Hole River not far from where it unites with the Beaverhead to form the Jefferson, and the next morning divided their forces. Six of their number rode on up the river to Clark's ranch where, according to advices that had been received through the investigations of the Ferretting Committee, Steve Marshland was hiding.

Steve had been shot through the breast in the holdup of the Moody pack-train on December 4th — Melancthon Forbes was the man that shot him — and his feet had been terribly frostbitten in the course of his wanderings through the mountains after that fiasco. A dog was the only company he had at the ranch and he made no resistance to capture although several revolvers, a Jager rifle, and two shotguns stood within arm's reach of the bunk where he was lying. He explained his frostbite by

telling of a prospecting trip toward the head of Rattlesnake Creek.

"Did you strike any color?" eagerly interrupted a member of the posse who was evidently a miner first and a Vigilante afterwards.

"Not a bit. I couldn't get to the bed-rock for the water," replied Marshland.

He appeared surprised when asked if he had been wounded, boldly slapping himself on the chest and asserting that he was "as sound as a dollar." A cynic in the posse suggested an examination. His shirt was opened, revealing the scarcely-healed injury, and his guilt was clear. He made a complete confession and was hanged that night in Clark's corral. The detachment rejoined the main body above Evan's ranch the following afternoon.

They rode hard, these "Exterminators." The best horseflesh in the country was theirs for the asking and sixty or seventy miles between dawn and dusk was considered merely an ordinary day's ride. At Cottonwood, now called Deer Lodge, Bull Bunton was arrested. The second in command of the Innocents had reached the settlement about two weeks before, gambled with a saloonkeeper named Cooke, and had won a half-interest in the establishment. Together with Bunton the party gathered in their old friend "Tex" Crowell.

Again Tex beat the case against him. There was no doubt in any man's mind but that he was a hanger-on to the skirts of the road-agents, a messenger and spy, and active in such minor activities as horse- and cattle-

stealing, but his name had not been mentioned by Yeager and no definite proof of his guilt could be found. He was discharged — his second narrow escape from the noose — and took no further chances, departing from Montana immediately and stopping only when he had reached the security of the Kootenai district in British Columbia.

Bunton was one of the few bandits who refused to make any statement, answering every question and accusation with the password "I am Innocent." He was hanged to the cross-bar of the gate of Louis Demorest's corral and took personal charge of all the details of his execution. He was particularly fastidious about the placing of the knot below his ear.

"I don't care any more about being hanged than I do about taking a drink," he announced, "but I want my neck broken. Can I jump off myself?"

"Sure, if that's the way you feel about it!"

He appeared quite satisfied with the granting of this permission and mounted to a board placed between two boxes, stating that at the word "Ready!" he would count three and then jump.

"Have you any last requests to make, Bill?"

"Only thing I want is a mountain three hundred feet high to jump off! Ready? One. Two. Three! Here goes it!"

He leaped of his own accord and was killed instantly. Mrs. Demorest was so furious at the use to which their corral had been put that she compelled her husband to cut down and burn the gate as soon as the body had been removed, and rebuild it in such fashion that it could never again be employed for a similar purpose.

Other bandits, the Vigilantes knew, were at Hell Gate and they turned their steps in that direction, fighting their way through deep snow and with the added hardship of soaking clothing when they broke through the ice in crossing Deer Lodge Creek. The rigors of that winter ride are merely hinted in the accounts of the intrepid band that made it. We are told of a horse breaking its leg among the snow-covered rocks and of a man being saved from drowning in an icy river only by a companion's accurate cast of a rope, snaring the struggling horse and dragging beast and rider to shore.

A good haul was made at the little Missouri County hamlet. Three men — Cyrus Skinner, Aleck Carter, and Johnny Cooper, all of them "wanted" — were taken there, and Bob Zachary was arrested at "Baron" Barney O'Keefe's ranch — the unannounced arrival of the armed Vigilantes nearly frightening the doughty "Baron" out of his wits.

Skinner, a saloonkeeper in Idaho and in Bannack, had opened a similar place of business in Hell Gate and his arrest proved most irritating to his girl-friend, one Nelly, who had accompanied him from Bannack to the new field of endeavor.

"You must have learned that trick from the Bannack stage folks!" she sneered as Williams and Pfouts threw their guns in Skinner's face and told him to put up his hands. She created such a disturbance that two men were detailed to escort her to her cabin where, much to their delight, they discovered Johnny Cooper.

Mr. Cooper was in bed, having become involved in an

argument the day before with his esteemed friend and colleague Mr. Carter. The difference had arisen over the question of the ownership of a certain six-shooter and in the course of the dispute Mr. Carter had unloaded the weapon rather hastily, Mr. Cooper standing in front of it at the moment. Mr. Cooper's present indisposition was the direct result of the triple ventilation he had received at that time.

One of the guards remarked that Johnny appeared to be suffering considerably, a sympathetic observation that elicited a snappy come-back from Nelly, the lady of the house.

"By God!" she exclaimed, "old Cy Skinner and Aleck Carter, being tried down the street, are sufferin' a damn sight worse!"

Carter had heard rumors of the executions at Bannack and was curious as to the identity of the men who had been hanged. The entire list was repeated to him — he had heard nothing of the quintuple execution at Virginia City — and he whistled softly.

"All right!" he exclaimed. "Not an innocent man hung yet!"

Skinner and Carter made only partial confessions. The former admitted knowledge of the plan to murder and rob Lloyd Magruder, remarking that he "could have saved Magruder if he'd wanted to, but he'd see him in hell first!" From Carter the posse learned that the span of mules stolen from the murdered Thibalt were at Irwin's ranch on the Big Hole, but he denied participation in the murder. There was no question of the guilt

of the prisoners and they were executed shortly after midnight (January 25, 1864) in Higgin's corral. Two poles set in the ground and leaning at an angle over the corral fence formed the gallows and pine torches cast an eerie illumination over the grim scene.

As the party were marching toward the scaffold Skinner broke away from his guards and raced off in the darkness shouting "Shoot! Shoot!" He was captured without difficulty, placed on the improvised platform with a noose around his neck, and told to start running again at any time.

"That's all right," he apologized. "I just had an idea that maybe I wasn't born to be hanged!"

The password of the outlaws, "I am Innocent," was the last speech of each of the condemned men. Townspeople had already made all arrangements for their burial.

Bob Zachary was brought in from O'Keefe's to Hell Gate early the following morning. He refused to believe that so many of the outlaw band had been executed and was convinced only when one of the party gave him all the "work" of the Innocents' lodge. As the signs of identification and the passwords were repeated to him he paled noticeably, but steadfastly refused to make a confession.

"How about that stage stick-up?" he was asked. "You were the fellow who climbed over the wheel and took the money from Leroy Southmayde while George Ives and Whiskey Bill Graves kept 'em covered. Southmayde recognized all of you!"

"I am innocent. I am innocent!" he murmured, seeming to think that the password had cabalistic power to avert his fate. He wrote a farewell letter to his brothers and sisters in Illinois, urging them to avoid whiskey, gambling, and bad company; and while standing on the gallows where Skinner and Carter had been hanged before him uttered a prayer for the Vigilantes who stood around him. The prayer was an indirect confession of his own guilt.

"God forgive you if you're doing wrong by hanging all of us," he said, "but it's the only way you'll ever rid the country of road-agents!"

Johnny Cooper was brought to the scaffold in a sleigh, the wounds he had received at the hands of Carter not permitting him to walk, but apparently not affecting his ability to hang. He had confessed and remarked that the other three were "crazy" in maintaining their innocence when there was no hope. His last request was for a final smoke — "I always did like a good smoke," he observed — and he puffed contentedly until the pipe was taken from his lips and the noose placed about his throat.

When Zachary had been captured at O'Keefe's the "Baron" had dropped a remark to the effect that a stranger was stopping at VanDorn's ranch in the Bitter Root Valley (Frenchtown, Missoula Co.) Thomas Pitt — Dimsdale calls him "No. 84" — took two men and rode to VanDorn's, arriving there on January 24th. The description of the stranger tallied with that of George Shears and when VanDorn met them at the door Pitt asked for Shears by name.

"Sure, he's here," responded the rancher. "He's in the next room."

"Any objection to our going in?" asked Pitt.

VanDorn's reply was to step back and throw open the door, revealing Shears, a knife in his hand, standing against the wall.

"No use, George," Pitt warned the man. "You're covered and the game's up!"

Shears was the coolest customer of any of the men who were awarded the V. C. He chatted with perfect candor of his various crimes, pointed out to Pitt the stolen horses he had stabled in VanDorn's corral, and discussed his hanging as calmly as he might the weather.

"You got me, that's all," he said. "I knew I'd have to go up some time but I thought I could run another year!"

A rope was made fast to a rafter of the barn and a ladder placed beside it.

"If you'll climb that ladder, George," said Pitt, "it'll save us the trouble of scouting around for something to make a drop."

"Sure, but I'm not very used to this business — never having been hanged before. Shall I jump off or slide off?"

"Jump off, George."

"All right. Goodby!" and the nonchalant bandit hopped off into eternity as blithely as a small boy into a swimming hole. "Shall I jump or slide" became a Vigilante by-word and was used on several occasions in later years as a countersign.

While Pitt and his squad were attending to Shears,

and John Lott and his friends disposing of Skinner, Carter, Cooper, and Zachary in Hell Gate, James Williams and two companions were pushing on to Fort Owen (Ravalli County, Montana) where Whiskey Bill Graves was reported to be sojourning. Graves was a sullen brute, guilty of a dozen crimes of which the Vigilantes had absolute proof. He had come to Fort Owen from Alder Gulch after the execution of George Ives, and his presence there was learned as a result of his own repeated threats to "shoot on sight any damned Vigilanter that came his way!"

Evidently the cold-eyed fury of Jim Williams took the posse leader out of the category of "any damned Vigilanter," for Whiskey Billy surrendered without a protest. He made neither confession, statement, nor any final request, but proof of his guilt was known to all the party. He was the only one of the road-agents to be hanged according to the method that is generally associated with wild-western executions.

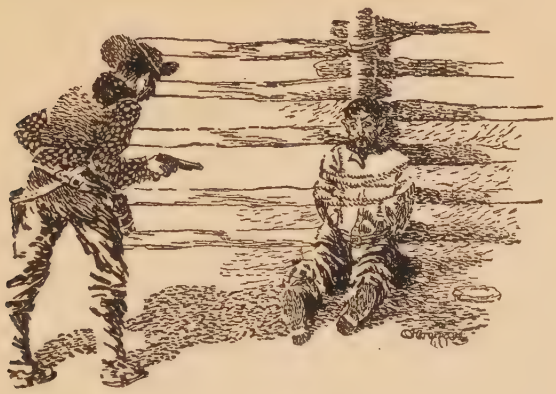
A suitable tree was selected, a rope put around the victim's neck, and he was placed a-straddle of a horse behind the saddle. The rider, with a shout of "Goodby, Bill!" raked his spurs across the animal's flanks and as the pony leaped forward Whiskey Bill slid over the smooth rump and was left dangling.

Eight men were executed in the course of the expedition to Deer Lodge and Hell Gate and the Vigilante groups straggled back to Alder Gulch with the realization that the name of only one living man remained on their list of definitely-identified bandits. This was Bill Hunter,

the man who had escaped the noose in Virginia City on January 14, and who, it was learned, was hiding in the Gallatin Valley. Four men, led by Adriel B. Davis, were detailed to this final task and performed their duty satisfactorily.

Hunter was captured on February 2, 1864, and hanged the following day, the men of the posse laying hold of the rope and, with a swift jerk, running him up beneath the limb of a tall cottonwood. A circumstance of his death made a pronounced impression on his executioners and is talked about to this day by the old-timers of Montana. Though practically instantly killed, the hanging man twisted one arm free from its bonds, clutched at the spot where his gun usually hung, and went through the motions of drawing a revolver and cocking and firing the weapon six times.

The job was done! Though circumstances were to compel the Vigilantes to unsheath their weapons again, their real task, the breaking up of an organized criminal element, was concluded with the execution of Hunter. Men could now travel in safety over roads where a month before every clump of sagebrush was the possible hiding-place of a bandit. On January 3, 1864, only one of the "Innocents," George Ives, had been executed. One month later, February 3, twenty-one of the band had been hanged, four banished, and the few that remained alive had left Montana so far behind them that no man in the territory felt a moment's uneasiness.



CHAPTER XVI

A One Notch Desperado

"CAP' SLADE," say the old-timers, "couldn't handle his liquor!"

And they shake their heads slowly and sadly over the phrase that is at once the description and the requiem of one of the most colorful, lovable, gifted, and unreliable individuals that the West ever knew.

Joseph A. — "Cap" — Slade has been dust for nearly seventy years. It was on March 10, 1864, that he "stood on nothing and looked up a rope" in the old slaughter pen behind the hotel in Virginia City. But his memory is still green in the land and there are dozens of men in Montana and Idaho whose fathers knew him and who are ready to leap to the defense of his name. An announcement to the effect that "Joe Slade had it coming to him; he deserved hanging!" is still sufficient to start a fight at any gathering of the pioneers of the Northwest.

No revolutionary movement can be errorless. Eggs must be broken before the omelette is on the plate; chips must fall if one is to hew to the line; and the execution of Joseph A. Slade is, possibly, the one mistake of the Montana Vigilantes. An error, perhaps, but one with beneficial results. His body, swaying in the cold, blustering March wind, told the roisterers and hell-raisers once and for all that no man could disregard the warnings of the Committee or brazenly defy the edicts of the People's Court that already was making its power felt in the vicinity of the Alder Gulch diggings.

Though Slade was for years a popular hero in many sections of the West and, with the exception of Henry Plummer, is as well-known and as generally discussed as any figure in the early days of Montana, comparatively little is known of his history or antecedents. He was a native of Illinois, born in Carlisle, Clinton County, about 1823 or 1824. We know that he served throughout the Mexican War in a company of Illinois volunteer infantry and that he emerged from that imperialistic conflict with an excellent military record. His company — and we must assume that Slade was with it — was in the forefront of the fighting at Chapultepec. The highest rank he attained was that of sergeant; the title of "captain" by which he was known in later years appears to have been an honorary one acquired during his service with the Overland Stage Company.

After the close of the war with Mexico he remained in Illinois but a short time before drifting West and his history — a multi-colored tapestry of shifting lights and

shadows — begins when he obtained employment with the Overland and was sent to the station at Julesburg in the extreme northeastern corner of Colorado.

René Jules (some record him as Jules Reni) had given that town its name. He had founded the settlement and, as division agent for the Overland, he ruled it. He was a burly, whiskered Frenchman from the lower Mississippi; a braggart, a blusterer, a thief, and as treacherous as a scorpion. The home offices were far away and Jules' philosophy was embodied in the axiom that it is a poor cook who fails to lick his own fingers. He filled his corrals from the company's herds, his pockets from the safe, and his charge to travelers was no more and no less than whatever he thought they were able to pay. He had a good thing and knew it but, like many another man, he killed it. The order dismissing him from the service of the company arrived and, on the heels of that order, came Joe Slade, duly appointed and authorized to take over the duties of division agent.

Slade was not a large man. In comparison with the huge Frenchman he appeared small. Even in his tight calfskin boots he stood only about five feet eight inches. His eyes were blue and mild, his face round, his body inclined to plumpness. He had a smile and a laugh for everyone and was the best story-teller along the entire route of the Overland. A most attractive individual — but Jules was not glad to see him. More, the big Frenchman disliked him on sight and when the new agent began taking stock and asking rather pointed questions as to the present whereabouts of certain animals René became distinctly angry.

To Jules' corral rode Slade and began running his eye over the brands of the animals confined there. René stood in the door of his cabin saying nothing until Slade announced that he was going to take two horses and a mule and return them to the stage company's barns where, he stated bluntly, they belonged. The new agent was unarmed. He turned away and as he turned the Frenchman whipped a revolver from its scabbard at his side and commenced firing. All five shots took effect and as the wounded man staggered across the strip of hard-packed ground between the house and the corral Jules stretched an arm through the cabin door and obtained a shotgun which stood in a corner. He threw it to his shoulder and pulled the trigger. Bystanders picked Slade up and carried him to the office of the stage company where he was placed in a bunk. There were thirteen wounds in his body and some of the bullets he carried to his grave.

Feeling was bitter against Jules but no man desired to take the initiative against the former agent who had ruled the town so despotically. One historian records Jules as swaggering about the station and suggesting that a packing-box lying nearby be used as a coffin for Slade. The wounded man, according to the legend, propped himself up on an elbow in his bunk and informed the bully that the coffin would be unnecessary.

"I'll live," Slade is quoted as saying, "to wear your ears on my watch-chain!"

While Slade lay there and Jules still strutted about the scene of the shooting, the west-bound coach rolled up to

the station. The newcomers brought with them the moral courage lacking in the permanent residents. Jules was arrested, a rope placed about his neck, and he was dragged to the tall gateway of the corral. The end of the rope was thrown over the cross-bar at the top of the gate and all hands scrambled to get a place along the line of braided manila. Three times, we are told, he was hoisted clear of the ground, and half strangled, lowered again. Finally, as Slade was still alive and Jules swore that he would leave the country and never return, the bully was liberated.

As soon as it was possible for Slade to be moved he was taken to St. Louis for medical attention. Five of the thirteen balls were removed from his body and, after a long convalescence, he returned to duty. On his arrival at Julesburg he learned that René Jules was still in northeastern Colorado and that the Frenchman had announced his intention of returning to the town that bore his name and killing Slade on sight.

In the light of the reputation that Joseph Slade bore later it is interesting to study and to endeavor to analyze his reaction to the news of this threat. The lapse of seventy years permits a dispassionate survey, but it is difficult to arrive at any other conclusion save that of panic. The frontier code permitted but one course. Jules had "served notice" on him; it was up to Slade, should he encounter the Frenchman, to "beat him to it." After the threats that Jules had made Slade would be justified in killing him at any time under any circumstances.

The agent's actions were, however, peculiar. To Ben-

jamin F. Halladay, one of the owners of the Overland, Slade expressed a disgust for stage-line management and voiced a desire to return to his previous occupation of freighting.

"If you get out now everybody from here to California will say you did it 'cause you were scared of Jules," his employer told him bluntly. "You'll never be able to hold your head up in this country again unless you get that big Frenchman and get him so there's no mistake about it. Let every bad-man and would-be bad-man see that you can't be fooled with. That's the only way to get along out here!"

Slade, still apparently uncertain, went to Fort Laramie and asked the advice of the army officers stationed there. These seasoned old Indian fighters, familiar with frontier conditions, did not hesitate. They agreed emphatically with Halladay and told the perplexed Slade to kill Jules on sight or to have him captured and then kill him. This last seems to have been the suggestion for which Slade was seeking. He left the fort, sending four men, employees of the Overland, ahead of him with orders to capture and disarm the truculent René. As he followed these deputies, himself driving the stage, two of them returned with the word that his enemy had been taken and was bound to a snubbing-post in the corral at a ranch some fifteen miles away.

Up to this point the stories of "Cap" Slade appear to agree; but with his arrival at the ranch accounts show a wide variance. One version would have it that Slade, himself unarmed, borrowed a revolver and shot Jules dead

without more ado. Another that he shot and wounded the Frenchman and then yielded to Jules' plea and gave the bound man an opportunity to dictate his will, killing him when he had concluded.

The third story has had the widest circulation of the three, is more generally credited, and appears the most probable. Neither of those already quoted would have given Slade the reputation that clung to him throughout his service with the Overland, that followed him to Montana, and went with him to the grave.

René Jules, a gross mountain of frightened flesh, was lashed firmly to the stout snubbing-post. To the corral went Joe Slade, a pair of long-barrelled cap-and-ball revolvers in leather scabbards slapping softly against his thighs.

"You pumped me full of buckshot," he told the terror-stricken Frenchman. "Now I'm going to see how much lead you'll hold."

Deliberately, maliciously, he toyed with his bound victim; torturing him — there is no other word — for the benefit of the spectators that peered through the bars of the corral and for those who, in days to come, would hear the story of how Joe Slade "got" René Jules.

Again and again he fired, the heavy balls thudding into the helpless man's arms and legs. The marksman studiously avoided a shot that would kill until the pool of blood about the base of the post and the limp figure that hung in the bonds told him that the former agent had passed beyond further sensation.

Then, with the same dispassionate accuracy, he sent a

final bullet through his victim's heart. Holstering the hot weapons he whipped his long Bowie knife from its sheath and with two swift strokes sliced off the dead man's ears.

Of this last there can be no doubt. Slade carried the ghastly trophies in his pockets for many months. A favorite jest of his, when in his cups, was to toss them across a bar in payment for a drink. The story of Slade, and of the Frenchman's ears, was told by Mark Twain in *Roughing It.*

There remains still another version of the conclusion of the feud between "Cap" Slade and René Jules. Elijah M. Pollinger was, like Slade, a division agent for the Overland. In later years he managed various stage-lines in Montana, where he acquired and forever after bore the nickname of "Gov."

Pollinger maintained that Slade offered a reward of $500 for the capture of his enemy — alive. Nothing would be paid for a dead man. Four cowboys promptly set out on the Frenchman's trail. They caught him but enthusiasm outran discretion, Jules was roughly handled, and in the course of the journey to the stage station — a trip which he made thrown across a horse with his hands and feet tied together beneath the animal's belly — the truculent braggart incontinently expired.

This unmanly weakness on the part of their prisoner proved most discouraging to the knights of the lariat and six-gun. Jules, with even the vestige of life yet in him, represented five hundred dollars. Each man's share of that sum was more than he would earn in four months

of range riding. Jules, dead, wasn't worth a nickel. In fact, he was a liability, for upon those responsible for his death would fall the task of digging his grave. No cowboy ever took kindly to pick or shovel. Something most certainly had to be done.

They went into a huddle and, emerging therefrom, rode on with Jules to the station, lashed the dead man securely to the snubbing post in the corral, and hastened to Joe Slade with the news that his enemy was ready for his attentions and they for the promised reward. Cash on delivery, please.

"Is he alive?" demanded Slade, his eyes kindling.

"Shore he's alive!"

"Let's see."

Slade must have detected the odor of fish for he kept his money in his pocket as he walked out to the corral and inspected the bound man.

"Hell! He's dead!"

"No, he ain't!" came the reassuring chorus. "He put up a fight, Cap, and we had to work on him a little. He's only playin' 'possum."

Slumped down against the ropes about his body the big Frenchman was a grotesquely inanimate figure as Slade walked up to the post and shoved the drooping head roughly with the heel of his hand. Jules' hat fell to the ground and his head flopped over to his left shoulder and then sagged forward until his chin rested on his breast.

"He's dead, I tell you!" "Cap" repeated.

The four cowboys voiced immediate and profane conviction that René feared Slade's vengeance and was persistently shamming.

"I'll show you whether he's playin' 'possum or not!"

Slade was angry. He had counted on a live Jules and these men had presented him with worthless carrion. He seized the dead man's ear and with a single slice of his keen Bowie knife severed the organ close to the skull.

"Bluffin', is he?" he demanded sarcastically. "Does that look like a bluff?"

As the disappointed punchers shuffled away Slade carved off the other ear, thrust the two gory trophies in his pocket and gave angry orders that the corpse be taken away and buried.

This story, never publicly told before, was always claimed by "Gov" Pollinger to be the true facts of the encounter that made Joseph A. Slade famous throughout the West. At the least it is interesting and possibly it is true. Only one thing is certain. René Jules was killed and the manner of his killing made and established Slade's reputation for all time. For hundreds of miles of desert and mountain that were the course of the Overland from Kansas to California he was a marked man — a killer. About him legends grew, traditions so lurid and so often told that they persist today. And Joe Slade liked it. The Frenchman's ears dried in his pockets, but he hauled them forth again and again and, for the entertainment of those who crowded the saloons, wove new tales of his prowess. There can be no doubt but that Slade himself invented his story of the man whom, lacking a pistol or knife, he beat to death with a rock; but that tale too got on the wires of the "grapevine telegraph" and has long outlived the original narrator.

The reputation he made for himself had one excellent result. No man questioned an order from the agent of the Julesburg-Salt Lake Division. The limit set for the carrying of the mail from Atchison to Placerville was twenty-three days in winter, twenty during the summer. Slade commanded the central portion of the run and due solely to his ability, his driving personality, and his reputation the letters frequently reached their California destination five and six days ahead of the schedule. Mountain blizzards, snow-choked passes, and hostile Indians were far less to be feared than the wrath of the man who carried his enemy's ears in his coat pocket.

Slade was feared, respected, admired, hated, and loved. He made good at whatever task he undertook. In his work for the Overland he knew but one code: the mail must get through. All was subordinated to that and he recognized no excuses and condoned no failures. He was regarded everywhere as a killer, but nowhere can one learn the name of a single one of his victims, nor the date of a single killing save that of Jules.

Granville Stuart is the only man who records with any degree of definition a killing attributable to Slade. In April, 1859, he and his brother were camped at Ham's Fork of Green River, near Fort Bridger.

" While camped here," he writes in the diary that was published after his death, " a mule train of sixteen wagons loaded with freight for Salt Lake City camped a short distance above us on the stream. In a few minutes we heard a shot fired and as there seemed to be some excitement we walked up to the wagons, and were shocked to

see one of the drivers lying on the ground, shot through the heart. The wagon boss had gotten drunk at Green River, about fifteen miles back, was cussing the driver about some trifle, the driver had talked back and the boss who was J. A. Slade drew his revolver and shot the man dead. Later the teamsters dug a grave by the roadside, wrapped the dead man in his blankets, and buried him. The train went on to Salt Lake and nothing was done about the murder."

We are told that he killed the white father of a half-breed Indian boy whom he afterward adopted. The child, known as Jimmy, was living with Slade and his wife at the time of Slade's death in Virginia City. The story of this particular killing was indignantly denied by Mrs. Slade to many residents of Alder Gulch. She said that she and Slade had been attracted by the handsome, dark-eyed boy and, having no children of their own, had adopted him.

So much for the actual record of "Cap" Slade as a gun-man and killer. To offset these stories there persist others that indicate that he was not slow to back down when his hand was called; stories that harmonize remarkably with his actions when threatened by René Jules.

While he was working for the Overland, Slade participated in a poker game wherein another player was one Bob Scott. Both men were more or less drunk and finally each held a hand which he considered a sure winner. They bet, raised, and re-raised monotonously. The other players dropped out, content to remain as spectators of the duel. At last Slade threw in his last gold pieces and called.

"It's my pot, Bob!" he announced.

"Depends on what th' cards say," his adversary retorted coolly. "I got four kings."

Slade studied his own cards for a moment.

"Maybe your cards are better'n mine," he said slowly, "but my *hand* beats yours!"

As he spoke, he drew his revolver from where he had thrust it in the waistband of his trousers and, with the speed of light, directed the muzzle across the table into Scott's face. He learned that he had made a mistake in judging the man who faced him. With a roar of rage Scott brushed the gun to one side and drove his fist into Slade's face. Cap went to the floor, Scott on top of him, and the angry gambler hammered the gun-man until he begged for mercy. Then he permitted him to rise and the game was renewed as soon as Slade had obtained additional funds. For some time no reference was made to the brawl. Finally Slade remarked:

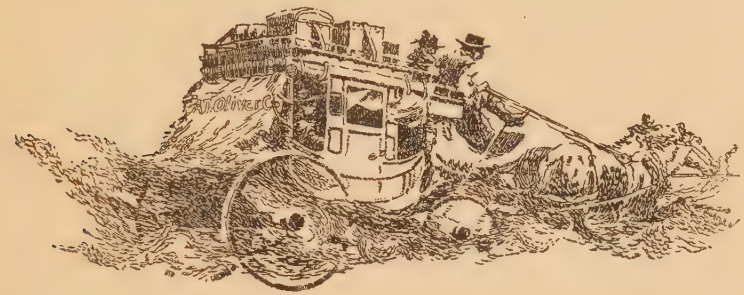
"Well, Bob, a little more of that poundin' of yours and I'd have got sober sooner!"

The encounter with Scott, together with Slade's attitude in Virginia City when told that he had been sentenced to hang, appears controlled by the same spirit that sent him scampering to Fort Laramie for advice as to how to deal with René Jules.

Power, and the realization that all men feared him, seems to have been too much for Slade. He began to drink more and more heavily, and celebrated each new spree by shooting up the town. At last, at Fort Halleck, he antagonized the military authorities by his invasion

and capture of the post canteen and wanton destruction of the stock and fixtures.

The commandant of the post made an issue of the matter with the officials of the Overland, insisting on Slade's dismissal. His wife made valiant efforts to save him, pledging a complete reformation and calling the attention of the company to his many services, but to no avail. The Overland was dependent in large measure on the government; it could not risk antagonizing the army, and "Cap" Slade presently found himself out of a job.



CHAPTER XVII

Slade of the Overland

MARIA VIRGINIA SLADE must have been a remarkable woman. Her maiden name is unknown nor can we discover any record of her marriage, if any, to the division agent of the Overland. There are strong reasons for believing that she was one of the multitude of dancehall women who pushed across the continent scarcely a stride behind the pioneers.

She was undoubtedly a beauty. All accounts of her agree on that point. Her eyes were large and very dark, her hair jet black and falling in long curls over her shoulders, her lips exquisitely shaped and as red as a pomegranate, and her teeth small, even, and white. She was tall and her figure would probably be judged far too generously rounded by present standards, but in the sixties they liked 'em plump. The boyish silhouette didn't stand a chance.

Add to these purely physical attractions the fact that Maria Virginia was a splendid shot with both rifle and

revolver and the finest horsewoman the Northwest Territory ever knew. And, of course, she could dance.

Her path crossed that of Slade somewhere along the course of the Overland. Perhaps they were married; possibly they merely "took up" with each other in a relationship that was not uncommon in a day when the saloon, the gambling house, and the dancehall penetrated the new territories far more swiftly than the church. Whatever the bond between them, common-law or clerical, only death dissolved it. Maria Virginia tried to save for Slade his job with the Overland. When he lost it she stuck as faithfully to him during lean years as through the period when he had been lord over nearly a thousand miles of stage-line.

It is not probable that Slade returned, even for a brief visit, to his Illinois home after his dismissal by the Overland. His heart and all his interests were in the young West. Freighting was his profession and to freighting he returned, delivering several cargoes of supplies between various Wyoming points, Salt Lake City, and Denver. At this time all the country was a-thrill over the rich new strikes in Alder Gulch and Slade arrived in Virginia City at the head of a small freighting outfit in the spring of 1863.

He had scarcely landed in the town before he had a "run in" with a lumber merchant there; an encounter, incidentally, wherein Slade showed little desire for the gun-play whereon his reputation was based. Nathaniel P. Langford was the merchant in question and he wrote in later years of his clash with the famous bad-man.

Slade, he said, appeared at his lumberyard and demanded credit for a supply of dressed lumber necessary in building his house and the corrals for his stock. Langford naturally refused such credit to a complete stranger but Slade ordered his teamster to load the wagons. The lumberman promptly countermanded the order, explaining to the stranger that credit could be extended only to identified persons.

"I guess you'll give *me* credit!" Slade exclaimed significantly.

"Just as long as it takes you to weigh out the dust," Langford returned.

"Then I guess you don't know who *I* am." Again he stressed the personal pronoun.

"No, I don't."

"My name is Slade — J. A. Slade."

"That means nothing to me," Langford told him.

"Didn't you ever hear of Slade of the Overland?"

Langford announced bluntly and quite truthfully that he had not, a confession of ignorance that appeared to surprise and irritate the self-made bad-man. He turned to his helpers and directed them to load the wagons, an order that Langford again countermanded. Still Slade made no move toward the gun that hung at his hip. He stood by irresolutely and appeared relieved when John Ely, the man for whom Ely, Nevada, was named, stepped forward and guaranteed payment for the lumber.

Slade made good in Virginia City. He identified himself with the established business men of the community, merchants and miners, and in spite of his frequent sprees

and the quarrels that usually marked their course was held in general respect and esteem. Though the reputation he had made on the Overland as a savage and deadly gun-man followed him to Alder Creek, nowhere can one find record or rumor of his being associated in any way with Ives, Hunter, Helm, or other members of the outlaw band. Many believe that he was a Vigilante and rode with the law-enforcers on several of their expeditions, but of this no proof exists.

Maria Virginia and her flashing brunette beauty set the little mining camp by the ears. We learn of a ball that was held there and of Charley Brown persuading another man to go to bed so that he might "borrow" the sleeper's clothes and, attired in them, lead the grand march with Mrs. Slade.

Slade never permitted himself to become infected with the mining bacillus. Not for him the long hours of mucking in wet gravel for a handful of yellow dust! He was a freighter and he stuck to that profession. He demonstrated that he knew his business and that no task was too difficult for him to undertake. Many supplies for the Montana settlements came from the East by water, steamers making the long trip up the Missouri River from St. Joseph to the head of Navigation at Fort Benton. From there freight teams brought the goods over the military road into Deer Lodge Valley, west and south through Deer Lodge Pass into the Beaverhead and Big Hole country, and then south up the valley of the Passamari to Alder Gulch — a long, arduous, and circuitous route but the only one available.

MEETING PLACE OF THE VIGILANTES IN MONTANA

The summer of 1863 was marked by extremely low water in the Missouri and its tributaries. A steamer loaded with supplies was unable to ascend to Fort Benton and its cargo was unloaded at the mouth of Milk River, several hundred miles to the east. The owners of the shipment, J. V. and W. H. Hardie, were naturally very anxious to get their goods to Virginia City before the snow closed the passes and Slade, with the financial backing of John Ely, guaranteed to make the delivery.

From the Fairweather diggings to the mouth of Milk River was more than seven hundred miles. For nearly two-thirds of that distance there was no road whatever. North of the Missouri was the territory of the Blackfoot Indians; to the South were roving bands of Crows, Sioux, and Gros Ventres. Any or all of these tribes regarded the raiding of a wagon-train as an ideal morning's entertainment. No man in the country, with the exception of Slade, was willing to make the perilous trip.

He had little difficulty in finding teamsters and packers to accompany him. The magic name of "Slade of the Overland" was sufficient to bring to his corrals every man in the mountains who could pack a horse or pop a bull whip. With funds advanced by Ely he purchased additional wagons and mules, led the party to the Milk River, loaded his wagons, and delivered the consignment to the Hardies in Virginia City on December 10.

The saga of that journey has never been told, nor will it be. No historian accompanied Slade, none of his teamsters kept diaries, and the tales they brought back have been told and re-told beyond hope of definite corrobora-

tion. Twice along the route they fought off Indian attacks. Quicksand added its terrors at many of the streams they forded. They made their own road for hundreds of miles — and reached Virginia City without the loss of a single man or one item of the shipment!

Slade acquired a small ranch, where hay could be obtained for his horses and mules, about eight miles from Virginia City on the slope of the rolling hills that drop down to the Madison River. He and Maria and little Jimmy took up residence there, but the ranch saw its owner very rarely. Winter had shut down, there was no freighting to be done during the bitter months of January and February, and just eight miles away was Virginia City and the sordid attractions of the roaring towns that were strung along the ravine from Junction to the crest of the divide. And Joe Slade " couldn't hold his liquor! "

Each time he came over he proceeded to get drunk and each time he got drunk he strove to take the town apart and discover what made it work. He rode his horse into saloons and stores; he shot up dancehalls and bar-rooms. He bragged and he brawled. He attended a theatrical performance and when Kate Harpe, an entertainer, appeared in ballet costume Slade stopped the show and sent the audience — many men had brought their wives — home in disgust by profanely demanding that she remove her skirt.

Again and again he was warned. Tame down or take the consequences, he was told. The Big Three of the Vigilance Committee — Lott, Sanders, and Williams — informed him in plain language that the element standing

for law and order could not tolerate his excesses and his wild, quarrelsome debauches. Banishment from the territory was the mildest punishment promised him. Sober, he swore immediate and lasting reformation. A half-dozen drinks and his promises were forgotten and lost in the limbo of alcohol.

Considerable circulation has been given a story that "Cap" Slade was hanged for persisting in singing a ribald ditty which linked the names of J. M. Fox, acting sheriff of Virginia City, and Paris S. Pfouts, President of the Vigilantes, with that of one of the many fair but exceeding frail ladies of the town, a damsel known as "Featherlegs." He was not. Most emphatically he was not. The song was composed and sung, neither Fox nor Pfouts enjoyed it; but the Vigilantes settled no such trivial private grudges.

Slade's arrest was the result of a wild all-night celebration that followed the aforementioned theatrical performance. He so terrorized the town that merchants were closing their stores and placing shutters before the windows to protect the glass from bullets as Cap and his friends — Bill Fairweather, discoverer of the diggings, was one of the ringleaders — fired their guns promiscuously up and down the streets. Early in the morning they came upon a wagon from which milk was being delivered, unhitched the horse, and sent the vehicle rolling down the grade. It upset at the foot of the hill and Slade and his companions whooped and cheered in drunken glee as a white flood of milk and cream poured from the overturned cans. They cursed and defied the Vigilantes, naming all

the leaders of the movement, and from time to time bawled the scurrilous jingle they had composed about Fox, Pfouts, and the courtesan. During the morning the usual drunken argument started and Slade soundly thrashed two of his gang, Dan Harding and Charley Edwards.

Alexander Davis was judge of the recently-organized People's Court, a community-created tribunal to which all cases, civil or criminal, were taken for settlement. Fox applied to Judge Davis for a warrant and with it as his authority arrested Slade and took him into court. Arrest had no novelty for "Cap." He'd been arrested and fined before. But he found the interruption irritating and while Fox was reading the warrant Slade tore the document from his hands, ripped it across again and again, and tossed the fragments on the floor.

The defiance — for Slade, Fairweather, and their drunken companions, their hands on their guns, walked out of the courtroom — angered the men of Virginia City. The memory of many hangings, of the eradication of Plummer and his gang, was fresh in their minds. They were determined to establish some form of legal supervision of the community and to this end had created the People's Court. Never before had it been defied or its justice questioned. Slade's rowdy spree, the insulting jingle about Fox, Pfouts, and "Featherlegs," were not considered for a moment. But his destruction of Judge Davis' warrant was a serious matter.

Leading citizens of the town were hastily summoned to a meeting held in Pfouts & Russell's store. Little attention was paid to whether or not the men present were

members of the Vigilante organization or of the Virginia City Executive Committee.

"The meeting," John S. Lott wrote many years later in a letter to Judge Callaway, "was peculiar and hasty."

He remarks incidentally that this was the only meeting of its kind that was ever attended by Col. Wilbur F. Sanders.

"In five minutes," Lott continues, "they settled the question."

Lott was sent to Nevada to advise the citizens of that town of Slade's arrest and to determine their attitude as to the punishment. The miners turned out almost to a man. Dimsdale tells us that six hundred of them deserted their claims and marched up the gulch to Virginia City under the leadership of "Cap" Williams. Slade, they announced, was to be hanged forthwith and they sent Lott on ahead to report that they "would not march into the streets of Virginia City to be shot down by Slade's men unless they knew what they were going to do."

It was J. X. Biedler who about this time sought Slade and frightened him into momentary sobriety. The stalwart Vigilante lieutenant knew that Slade was of a type vastly different from Plummer and his band and knew how gravely the drunken man's offense was regarded by the committee. He felt reasonably certain, however, that if Slade were out of town when the Nevada contingent arrived the affair would blow over.

"Cap," he said meaningly, "get your horse and hit the trail for your ranch or there'll be hell to pay."

"What d'you mean?" asked Slade, staring owlishly. "The Vigilance Committee is played out!"

"You won't think so if you're here two hours from now," said Biedler. "Even though you're drunk you ought to have enough sense to know that I know what I'm talking about. Get your horse and do what I tell you, right now!"

He spun on his heel and walked away. Slade watched him for a moment and then staggered to where he had left his favorite mount, Old Copperbottom, and clambered into the saddle. As he did so one of his partners in the all-night debauch appeared in a saloon doorway.

"Hi, Cap! Where yuh goin'?" he bellowed thickly.

"Home!" returned Slade.

"Hell, are yuh goin' t' let them sons run yuh out? Come on an' have a drink!"

Slade hesitated and was lost. He dismounted and returned to the saloon. He had his drink and another to keep it company and in five minutes had entirely forgotten Biedler's warning.

Judge Davis appears to have regarded the entire affair as a drunken prank for which Slade, because of his condition, should not be held strictly accountable. He too warned Slade, telling him to get out of town and give the affair an opportunity to be forgotten. But by this time the hero of the Overland was too drunk to heed. He drew a derringer — the stubby .41 caliber pistol that many men carried as an auxiliary arm to the heavier Navy revolvers — waved it threateningly at the jurist, and made a few maudlin remarks about holding the judge as a hostage for his own safety.

At this point there is again a discrepancy in the ex-

istent accounts. Biedler, in his diary and in later letters, claims that Slade remained there, keeping two derringers trained on Judge Davis, until the men from Nevada arrived and he was placed under arrest by Williams. The circular imprint left by the muzzle of the weapon was clearly visible on the judge's forehead when Slade was taken into custody. Others, noticeably Dimsdale and Langford, who accepted the schoolmaster's account, have it that Slade left the judge and shortly afterwards learned of the decision to hang him and of the approach of the Nevada column. He then sought Davis once more and, thoroughly sobered, apologized for his drunken actions. His arrest occurred while he stood expressing his regret for what he had done.

Whether or not Slade apologized is immaterial. It is quite certain that he was placed under arrest by the fearless Williams and that he offered no resistance. Though sentence had been pronounced by the Virginia City men at their meeting, final judgment was left to the citizens of Nevada. If the majority of that angry body of miners said he should hang, hang he should. It is possible that determined action at this juncture might have saved Slade's life, but the men who could have influenced the crowd were silent. All feared the consequences if the drunkard's flouting of the law was allowed to go unpunished. Slade went white when he felt Williams' hand on his shoulder.

"Is it — " he began, finding it impossible to complete the question. The Vigilante leader nodded.

"We can't stand for it any longer, Slade," he said

grimly. "You've been warned plenty of times so you haven't got any kick coming."

And then the man who had slaughtered René Jules — Slade of the Overland, Slade the killer, the terror of a thousand miles of trail — broke down. He turned yellow. He wept and he prayed. He crawled more abjectly than any man whom the Vigilantes had ever been called upon to punish. He begged for his life, for banishment such as Plummer had asked; he implored them to mutilate him, to cut off his hands and feet — for anything save death. He asked for permission to see his wife and say farewell to her, for anything that would mean time, precious seconds of life.

Slade had many friends in Alder Gulch. One of them was spurring madly over the divide towards the ranch, bearing news of her husband's predicament to Maria Virginia. Among the animals in Slade's corral was a horse he had purchased from Major Malcolm Clarke. This beast — "Billy Bay" — was a Kentucky Thoroughbred that had been stolen by the Piegan Indians in a raid near Great Salt Lake. For several years he had been the pride of the tribe and his reputation for speed and endurance was known all over the territory. Maria Virginia nearly killed the splendid animal racing back to Virginia City, but she never saw her husband alive.

"Cap" Slade was taken to a corral in the rear of Pfouts & Russell's store. A strong guard was thrown around the enclosure to prevent any attempt at rescue, for in the excited crowds that surged up and down the streets were many friends of the doomed man — men who swore that

"Slade of the Overland" should not hang. Even at the place of execution Slade made a last play for time. He asked permission to talk to Col. Sanders and when Sanders could not be found called for Judge Davis.

"Won't you do something for me, judge," Slade implored. "Won't you ask this gang to spare my life?"

"All that I could do would be to repeat your own words, Slade," Davis told him. "I have no influence."

The miners who composed the guard had been called upon to quell two incipient attempts at rescue and were growing impatient.

"Time's up!" one shouted, and "Time's up!" was repeated from various points about the cordon.

The prisoner, exhausted by tears and hysterical pleas for mercy, had to be held in place on the usual packing-box while the rope was adjusted. Biedler says that "a noble German by the name of Brigham" placed the noose about "Cap's" neck. Charles Beehrer — Charley the Brewer — credits his friends Charley Brown with the service, stating that it was done hastily as Mrs. Slade was sighted coming over the hill.

The box stood beneath a scaffold used ordinarily for hanging beeves. The end of the rope was thrown over the cross-bar and made fast. Instantly the box was jerked away and the killer whose gun bore only one notch dropped to his death.

Maria Virginia, with Billy Bay in a lather, galloped up to the scene as the body was being carried into the Virginia Hotel. A kindly hand tossed a blanket over the ropes that had been removed from the dead man's throat,

arms, and ankles, and Mrs. Slade threw herself across her husband's corpse. Her grief gave way in a short time to a bitter anger directed against those who had killed him. She swore that she would never rest until he had been avenged and that she would not permit his body to lie in the soil of Montana.

She ordered the construction of a zinc-lined coffin and tradition tells us that she kept her husband — preserved, most appropriately, in alcohol — at the Madison Basin Ranch until the roads opened in the spring. Slade's remains were then taken to Salt Lake City and buried in the old Mormon cemetery.

Still cherishing her dream of vengeance, Maria Virginia returned to Montana and probated her husband's will, the first recorded in the new territory. She sold the ranch and Slade's freighting outfit for $7,000. An anodyne for sorrow must have been in the wealth, for on March 22, 1865, she married James H. Kiskadden in Virginia City. H. S. Hosmer, Chief Justice of Montana, performed the ceremony and noted on his certificate that he did so " with their mutual consent."

There persisted for many years a story that Maude Adams, one of the most distinguished actresses of the American stage, was the daughter of Maria Virginia and James Kiskadden. The tale has been refuted many times, so frequently that another contradiction is almost superfluous. The romance of Maria Virginia and Kiskadden was very brief. Less than a year after the marriage she left him and on October 21, 1868, he obtained a divorce. The decree, forty-six words on an

ordinary piece of tablet paper, is on file among the records of Salt Lake County. Kiskadden remained in Salt Lake City and there married Annie Adams, a local actress. To them, in 1872, was born a daughter, Maude Adams Kiskadden, destined to be the winsome, lovable, original "Peter Pan."

The dashing and temperamental Maria Virginia disappeared in the eddying maelstrom of the West. Indications are that she reverted to type, that the hectic life of the dancehalls where Slade had found her claimed her once more and that she died in Chicago, "in quest," says one biographer, "of forbidden pleasures."

Slade's execution was a stern necessity. It was a protest in defense of law and order, demanded by the emergencies of the period. But if you're looking for trouble, just tell any of the pioneers that the self-made desperado deserved it!

CHAPTER XVIII

The Sheathing of the Sword

ORGANIZED for the purpose of breakng the power of the Plummer gang, the Vigilantes naturally thought that with the execution of Bill Hunter their work was done. The majority asked only to hang up their guns and to return quietly to their occupations, to their homes, their ranches, and their mines. Nearly two years were to pass, however, before organized law in Montana was established on a sufficiently firm foundation to permit such a retirement of the body upon which the decent element of the community had learned to rely so implicitly.

During that period ten additional extra-legal executions were to take place. Simply to complete the record, passing mention will be given these. Countless lurid stories have been circulated to the effect that " hundreds " of road-agents and other criminals were hung without due process of law during the stirring days of Montana's

infancy and it might be well to disprove such yarns so far as is possible. A search of all available records shows a total of thirty-three[1] executions prior to March 3, 1866. By that time the Territory of Montana had been created, a governor had been appointed, courts were in operation, and all the machinery of organized government was functioning normally and efficiently. Extra-legal executions may have taken place in Montana subsequent to 1866. No attempt has been made to trace them. If they exist, they have no more bearing on the actual pioneer period of the state's history than a lynching in the South today has upon the Mecklenburg Congress.

Joseph A. Slade, as has been told, was hanged in Virginia City on March 10, 1864. On June 15 of the same year the Vigilance Committee, after a formal trial held in Nevada, passed sentence of death upon James Brady for the shooting of Thomas Murphy, a saloonkeeper of the town, by whom Brady was employed as bartender. At the time of the trial, Murphy's death was momentarily expected but somewhat to the chagrin of the Vigilantes the wounded man eventually recovered.

Brady was hanged at four o'clock in the afternoon from a butcher's scaffold in a corral between Nevada and Central. An accomplice, James Kelly, was sentenced to re-

[1] A possible thirty-fourth may be added to this list. Charles Beehrer, in an interview given to Al Noyes many years later, stated that in March, 1864, he and Charles Brown hanged a man on Rock Creek. Beehrer never learned the victim's name although he said that he and Brown passed the night in the cabin from the eaves of which the corpse was dangling, and no record, beyond his statement, can be found of the execution. Noyes was told by Beehrer that the man had been hanged for horse-stealing.

"HANGMAN'S TREE," HELENA, MONTANA

ceive fifty lashes and to be banished, a punishment that was inflicted immediately following the execution of the principal in the crime.

"Boys," the man remarked after the ordeal of the flogging was over, "if I hadn't been so fat I'd have died sure!"

Kelly was destined to be the next man to be decorated with the Vigilante Collar. His back could not have ceased from smarting when, with several associates, he held up the Peabody & Caldwell stage from Virginia City to Salt Lake. Investigation proved his complicity in the crime and also definitely identified him as a horse-thief. He was taken into custody near the Oliver Stage Co.'s station in Port Neuf Cañon, Idaho, by a posse that set out from Virginia City under James Williams on August 28. Kelly was hanged on September 5, 1864, from a "Balm of Gilead" tree near the station.

While on the scout after Kelly, Williams and two of his men found the body of a man floating in the creek that runs through the dark gorge. A gunshot wound was in the skull and a lariat was twisted about the neck and shoulders.

"We don't know who did this, boys," exclaimed Williams as the men of the posse buried the unknown, "but, I tell you, I'm goin' to live to see the son hanged! I know it!"

His clairvoyant prophecy was justified ten months later, but three other men were to meet death on the gallows before the killer of the Port Neuf victim was to be apprehended.

In August of 1864 one John Dolan, alias John Coyle, and known also as "Hard Hat," robbed James Brady of Nevada of $700 in gold-dust. He was living with Brady at the time and brought suspicion on himself only by his sudden flight to the Mormon settlements. John McGrath was deputized to follow him and arrested him at Springville, Utah, and brought him back to Nevada for trial.

It was proved that Dolan was guilty not only of the robbery of Brady but that he had been associated with Jim Kelly and implicated in the stage hold-up for which that bandit had been hanged. Three hundred dollars of the gold he obtained from Brady was recovered, and Kelly, admitting his guilt, offered to make complete restitution if he were allowed to go free. The vote of the Committee — after a long and thorough consideration of all the evidence — was unanimous that he should hang, and he was executed on September 17, 1864, a butcher's hoist being employed once more. Brady was paid in full from Committee funds, the Vigilantes holding that they, by hanging the thief, were responsible for his not receiving the entire amount that had been stolen.

The Bannack Vigilance Committee hanged R. C. Rawley, or Reighley, on October 30, 1864, from the same gallows that Plummer, Ray, and Stinson had decorated. The man had been a spy for the outlaw gang during the period of their greatest activities, but had left Montana promptly when the hanging of George Ives warned him that the day of retribution was at hand. He returned in September — a display of remarkably poor judgment — and, we are told, made no attempt to conceal his sympathy for the men who had been executed. He uttered

frequent threats against individual members of the Bannack Committee and condemned the entire Vigilante organization as murderers and stranglers.

Dimsdale remarks naïvely that "his present line of action and speech left no doubt that he would connect himself with some new gang of thieves, and as it was more than suspected that such an organization was contemplated, it was determined to put a sudden end to all such doings by making an example of Rawley."

A decision which, regardless of its justice, was just too bad for the gentleman concerned. A small party journeyed down the cañon of Grasshopper Creek to a settlement known as New Jerusalem where he lived. He was arrested, brought back to Bannack, and promptly hanged. To the last he refused to make any statement.

The scene shifts to Helena, the present capital of Montana and the town that had sprung up on the scene of the gold discoveries of Last Chance and Grizzly Gulches. There, on May 7, 1865, one John Keene, known also as Bob Black, shot and killed Harry Slater, a professional gambler and a man widely known as a tough customer. The killer was placed under arrest by Sheriff Wood, who imprisoned him in his own home, but an unorganized mob, led by the bloodthirsty X. Biedler, overpowered the official and gave the prisoner an immediate and informal trial.

Keene claimed that the killing was in self-defence, Slater having threatened him on numerous occasions and once, in Salt Lake City, having thrust a derringer in his mouth and run him out of town. Witnesses stated that Keene had walked up to the other man and shot him dead

without warning. Despite the unsavory reputation borne by Slater, Keene was found guilty, sentenced to be hanged, and executed at noon on May 7, John X. Biedler taking complete charge of the proceedings, doubtless greatly to his own entertainment.

The following month — on June 30 — James Williams saw the fulfillment of his prophecy that he would witness the execution of the murderer of the man found in Port Neuf Cañon. Jacob Silvie, or Seachriest, was arrested at Diamond City, forty miles east of Helena, and the Vigilance Committee at Virginia City, the capital of the Territory, notified. The man, it was said, was suspected of being a road-agent and "rough," and had made a partial confession of participation in various crimes and membership in an organized band of robbers.

Williams and several others made the long trip from Virginia City to Helena, where Silvie was being held, to investigate the case. The prisoner, under "Cap's" skillful questioning, finally made complete confession. He had been a bandit for more than twelve years and had killed a dozen men. Among his victims was the unknown discovered by the posse in Port Neuf Cañon. Silvie stated that he had thought the man was returning from the mines and had plenty of money, so killed him. Search of the body revealed an error of appraisal, the slain man being practically penniless.

Silvie was hanged from a tree [2] in Dry Gulch, on the

[2] This tree, long pointed out to visitors as "the hangman's tree," was cut down some years later by a Helena clergyman who thought that the presence of such a grim reminder of Vigilante justice constituted a menace to good government and an affront to the godly people of the town!

outskirts of Helena, at midnight on June 30. So bitter was the feeling aroused by his recital of his years of crime that every man present wanted to participate in the execution. The rope was thrown over a limb, all the members of the posse laid hold, and at a signal the murderer was run up. "Silvie," says one chronicler, "lived a sordid and red-handed robber and died unpitied, the death of a dog!"

Two men, John Morgan and John Jackson, were apprehended on the night of September 26, 1865, stealing a horse from the municipal corral in Virginia City. They were brought before the Vigilance Committee — the body had been disbanded but had reorganized on receipt of reports of a plot by roughs from Idaho to burn the town. Morgan and Jackson confessed their guilt and admitted other thefts committed by them as members of the gang led by "Rattlesnake Dick." They were hanged the following day, September 27, in a corral half a mile from the city. A sign — "ROAD AGENTS BEWARE" — was affixed to each body.

It is necessary to give only a word to the case of James Daniels, executed in Helena on March 2, 1866. The man had been sentenced to three years in prison for killing Arthur (?) Gartley in a quarrel over a game of cards. Legal chicanery secured his release on a reprieve issued by the governor after the murderer had been in jail only a few months. He returned to Helena and openly threatened witnesses who had appeared against him at his trial. The Helena Vigilance Committee took the matter in hand, arrested Daniels, and summarily hanged him, the thirty-

third man to be executed since C. W. Spilman had been hanged on Gold Creek on August 26, 1862, and the last case of capital punishment in Montana in which the Vigilante organization can be said to have participated.

The Vigilantes! To some they were saviors; to others stranglers; theirs it was to know, in after years, both curses and blessings. The biographers of their times have wandered far from the paths of historical narrative to present elaborate and forceful justification for their deeds; excusing, condoning, explaining.

The Vigilantes of Montana require no apologia. A distasteful, grim, but necessary task had to be done. They did it and did it well, and the manner in which they went about it can be best described by a repetition of the words with which the law-enforcement organization came into existence:

"Men, do your duty!"

Charles Hargens
29